

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

November 13, 1998

(Published November 21, 1998,
in Finance and Commerce)

Council Chamber

Minneapolis, Minnesota

November 13, 1998 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members Colvin Roy,
Herron, Mead, Minn, McDonald, Johnson,
Ostrow, Thurber, Campbell, Biernat, Niland,
Goodman, President Cherryhomes.

Niland moved acceptance of the minutes
of the regular meeting of October 30, 1998.
Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and
communications and reports of the City officers
to proper Council committees and departments.
Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COORDINATOR (264275)

Citywide Housing Opportunities Program
(C-HOP) Report re Hollman vs. Cisneros
Consent Decree.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (264276)

Benchmark Healthcare of Mpls, Inc:
Preliminary approval to issue \$3,250,000 in
tax-exempt revenue bonds to acquire & operate
nursing facility at 1620 Oak Park Ave N.

Tax Forfeited Parcels: Resolution
classifying approximately 60 properties as
non-conservation for various dispositions,
w/attachment.

COORDINATOR (264277)

Metropolitan Livable Communities Act:
Resolution electing to continue participating in
the Local Housing Incentives Account Program
under the Metropolitan Livable Communities
Act in 1999.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (264278)

Heritage Landing Apartments (Riverstation
II): Modification No. 17 to North Loop
Redevelopment Plan, Modification No. 60 to
Common Plan & Heritage Landing Apartments
Housing Development Project report & Tax
Increment Finance Plan, w/attachments.

South East Minneapolis Industrial Area:
Request for appropriating of funds to remove
contaminated soils & perform associated road
work for Phase I.

INTERGOVERNMENTAL RELATIONS:

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (264279)

MCDA Legislative Priorities.

COORDINATOR-GRANTS & SPECIAL
PROJECTS (264280)

Empowerment Zone: Status of Round II
Application.

LIAISON/FEDERAL, LOCAL AND STATE
(264281)

League of Minnesota Cities Legislative
Program.

INTERGOVERNMENTAL RELATIONS

(See Rep):

PLANNING COMMISSION/DEPARTMENT
(264282)

Census 2000: Approve members for Complete Count Committee, with application process to remain open; update report.

PUBLIC SAFETY AND REGULATORY SERVICES:

CITY CLERK/SPECIAL PERMITS
(264283)

Park Av S, 2540 (Josephine Williams) allow dance till 2 am on Fridays.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (264284)

Immunization Action Plan: Execute amendment to contract with Hennepin County to fund immunization services provided in partnership with County for period 1/1/98 through 3/31/99.

Public Health Education Consulting Services: Execute agreement with Cindy Kallstrom to continue services in areas of youth violence prevention, youth access to alcohol and tobacco, school health restructure, and promotion of immunizations for children, for period 1/1/99 through 12/31/99.

Community Health Services Plan: Execute amendment to contract with Lynne Holman for consulting services to complete mandated plan, for period 1/1/98 through 6/30/99.

Staff Services for School Health Planning: Execute amendment to contract with Joanne Mooney for period 1/1/98 through 6/30/99.

Early Childhood Tracking Program Services: Execute to contract with Hennepin County to provide services through 348-TOTS Program to monitor and assess infants and toddlers at risk for health or developmental problems, for period 1/1/99 through 6/30/2000.

INSPECTIONS DEPARTMENT (264285)

Raze Buildings: 904 34th Av N; 1904 W Broadway.

Rental Dwelling License at 3305 3rd Av S: Revoke license held by Donald McGraw for failure to allow rental licensing inspection.

1998 Special Assessment Levies: Approve levies for certain properties; and Direct Hennepin County to certify levies to taxes.

LICENSES AND CONSUMER SERVICES
(264286)

Tax Delinquency: Revoke On-Sale Liquor and Tobacco Licenses held by Deep Dish Inc, 4501 France Av S.

Licenses: Applications.

POLICE DEPARTMENT (264287)

Transportation Services for Public Inebriates: Execute Amendment #5 to Contract with Hennepin County to provide services for period January 1, 1999 through December 31, 2000.

POLICE LICENSE INVESTIGATION DIVISION (264288)

1998 Youth Access to Alcohol Compliance Report. Approve proposal to conduct compliance checks in 1999, with staff directions.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/ BUDGET (See Rep):

FIRE DEPARTMENT (264289)

Physical Fitness: Extend contract with Starmark Northwest Management, dba Northwest Athletic Club, to provide health club memberships to all sworn personnel for period 1/1/98 through 12/31/99.

Federal Emergency Management Agency/State and Local Assistance: Accept grant award for fiscal year 10/1/97 through 9/30/98; and Appropriate funds.

POLICE DEPARTMENT (264290)

Fourth Precinct Substation: Accept grant award from State Department of Children, Families and Learning to continue funding of a Community Volunteer Coordinator and supporting activities for two years; and Appropriate funds.

Juvenile Accountability Incentive Block Grant: Submit application to Minnesota Department of Economic Security seeking funding to be used in collaboration with Hennepin County to help reform juvenile justice system and provide greater accountability for juveniles involved in the juvenile or criminal justice system.

DRUGFIRE Program: Execute grant extension with State of Minnesota to fund technical position to operate the computerized ballistic imaging comparison system.

Motor Vehicle Theft Program: Accept donation of 1992 Pontiac Firebird to continue "bait vehicle" program.

PURCHASING (264291)

Bids: Accept OP #4948, low bid meeting specifications of Varian for atomic absorption spectrophotometer for Health Department; OP #4916, low bid meeting specifications of Spectra Corporation for Computerized Parking Ticket Issuance System.

TRANSPORTATION AND PUBLIC WORKS

(See Rep):

FINANCE DEPARTMENT (264292)

Utility Billing Ordinances: Ordinances amending Title 11, Chapter 225 relating to Health and Sanitation, and Title 19, Chapters 509 and 511 relating to Water, Sewers and Sewage Disposal to reflect current billing practices, clarifying the definition of the billpayer, changing procedures for dispute hearings, allowing rates to be set by resolution instead of ordinance and establishing hearing procedures for assessments; Comments: Legal Aid Society of Minneapolis

PUBLIC WORKS AND ENGINEERING (264293)

Levy of Various Public Works

Assessments: Adopt assessments for Uptown Streetscape Revitalization Project, 1998 Street Renovation Program, 1998 Street Paving Program, Northrop Lane Roadway, Fifth St SE, Street Maintenance for tax exempt property and Street Lighting Operation and Maintenance.

Currie Maintenance Facility: Authorize issuance of Request for Proposals for testing and inspection services for facility construction.

Hawthorne Transportation Center: Amend Letter of Intent for the Lease and License with Greyhound Lines, Inc. to reflect larger terminal and fee agreement.

Hennepin/Lyndale Realignment Project (E Franklin to Groveland Av): Approve request to State for funding through Municipal Agreement Program with commitment of local share.

PUBLIC WORKS AND ENGINEERING (264294)

Special Service Districts: Approve service and cost estimates for Hennepin-Lake, Dinkytown and Central Av Districts.

50th & France Av S Parking Facility: Approve maintenance costs and assessments rates for 1999.

Driveway Design Ordinance: Proposal to clarify where parking restrictions begin near a driveway.

Priority Vehicle Control System Project: Recommend to the State that the construction bid be awarded to Electrical Installation and Maintenance.

Nicollet Mall Reconstruction Project (Washington Av to 11th St S): Adopt assessments for 1999.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET

(See Rep):

PUBLIC WORKS AND ENGINEERING (264295)

Rejection of Bid: Reject all bids and previously accepted bid of Northern States Power Company for the Central Neighborhood/Healy Block Extension Pedestrian Lighting Project; Authorize rebid.

PURCHASING (264296)

Bid: OP #4968, accept low bid of Sowles Company for structural steel and shotcrete for coal bunker roof at Pump Station #4.

WATER DEPARTMENT (264297)

Pump Station #9: Request that electrical, instrumentation and HVAC contract with Wunderlich-Malec Engineering be increased.

WAYS AND MEANS BUDGET:

ELECTIONS DEPARTMENT (264303)

City and County Elections and Voter Registration Operations: Update.

FINANCE DEPARTMENT (264298)

1998 Third Quarter Budget Status Report: Receive & File.

HUMAN RESOURCES (264299)

1998 Third Quarter Affirmative Action Report: Receive and File.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (264300)

Schnitzer Contaminated Site Settlement: Accept cost recovery funds from Metropolitan Council.

Workers' Compensation Claims: Settle claims of Penny L. Behrens.

Lawsuit Settlement: Pay Lorenzo Harris & his attorney.

CONVENTION CENTER (264301)

Convention Center Expansion Project: Contract with Robert Alfton.

Convention Center Expansion Project:
Approve Change Management Procedures.

Convention Center Event Management
Software: Issue Request for Proposals.

COORDINATOR (264302)

Severance Pay Policy for Appointed
Employees: Ordinance amending Title 2,
Chapter 20 of the Minneapolis Code of
Ordinances.

Phillips Neighborhood Weed & Seed
Funds: Memorandum of Understanding with
Park Board to implement program within
Peavey Park.

1998-1999 U.S. Department of Justice
Executive Office of Weed & Seed Funds:
Accept funds & execute grant agreements.

FINANCE DEPARTMENT (264304)

Utility Billing Insert: Approve insert in
November/December mailings.

HEALTH AND FAMILY SUPPORT
SERVICES (264305)

Youth Offenders Demonstration Project:
Submit grant application to Department of
Labor.

HUMAN RESOURCES (264306)

Office Support Specialist III - Confidential
Position: Salary Ordinance.

Labor Agreement Settlement: Salary
Ordinance for International Union of Operating
Engineers, Local Union #49, AFL-CIO.

INFORMATION AND TECHNOLOGY
SERVICES (264307)

Master Contract Submission

Requirements: Authorize waiver to add Third
Wave Partnership to Master Contract Vendor
List, consistent with City's Master Contract
Policy.

PURCHASING (264308)

Bid: OP #4972, Accept only bid of Norstan
Communications.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT
(264309)

Zoning Code Text Amendment: Amending
Title 20, Chapter 540 of the Minneapolis Code
of Ordinances re Zoning Code: Business
Districts, allowing plumbing contractor offices
as conditional use in the B2S District.

Special School District #1: Original &
revised application to rezone block bounded by
E Lake St, E 31st St, 21st Av S & 22nd Av S
and vacate alley in same block to permit a

YWCA Community Center and Urban Sports
Center.

Summary of actions taken at 10/26/98
Planning Commission meeting.

COMMITTEE OF THE WHOLE (See Rep):
PUBLIC WORKS AND ENGINEERING
(264310)

Nicollet Mall: Maintenance and operation
assessments proposed for 1999; Comments
from Nicollet Mall taxpayers.

PLANNING COMMISSION:

DISCOUNT STEEL (264311)

Permission to vacate 27th Av N between
Washington Av & 2nd St N.

MOTIONS:

PLANNING COMMISSION/DEPARTMENT
(264312)

Map showing proposed light rail transit
stations on Hiawatha Av: Relating to Title 21
of the Minneapolis Code of Ordinances, subject
matter of an Interim Ordinance prohibiting
establishment, re-establishment or expansion
of any manufacturing or business use located
within one half mile of the proposed light rail
transit stations.

FILED:

CITY CLERK/SPECIAL PERMITS
(264313)

44th Av N betw Penn & Humboldt (Nancy
Johnson) horse drawn carriage; 27th Av NE,
109 (Kaufman Sign Co) sign; Downtown
sidewalks & street corners (Even Management
Promotions Inc) distribute samples.

FINANCE DEPARTMENT (264314)
Investment Management System &
Reconciliation Report thru September 30, 1998.

FINANCE DEPARTMENT (264315)
Schedule of Self-supporting Revenue
Bonds & Schedule of General Obligation
Bonded Debt for 10/31/98.

MAYOR (264316)

Letter appointing Richard Johnson to the
Minneapolis Private Industry/Workforce Council
(MPI/WC).

NORTHERN STATES POWER (NSP)
(264317)

Utilities: Authorize place poles at various
locations.

**REPORTS OF
STANDING COMMITTEES**

The COMMUNITY DEVELOPMENT

Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration a proposed project of Benchmark Healthcare of Minneapolis, Inc. to acquire, own and operate an existing 94-bed skilled nursing facility at 1620 Oak Park Ave N, currently doing business as Concordia Care Center, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary approval to the project and to the issuance of up to \$3,250,000 in Tax-exempt Revenue Bonds for Benchmark Healthcare of Minneapolis, Inc. (Petn No 264276).

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-428, giving preliminary approval to the issuance of revenue bonds relating to a Project on behalf of Benchmark Healthcare of Minneapolis, Inc., to finance the costs thereof under Minnesota Statutes Sections 469.152 – 469.165, as amended, establishing the date for a public hearing with regard to the issuance of such revenue bonds, authorizing the publication of notice of such public hearing, and establishing compliance with certain reimbursement regulations under the Internal Revenue Code, was passed November 13, 1998 by the City Council and approved November 18, 1998 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 98R-428
By Niland**

Giving preliminary approval to the issuance of revenue bonds relating to a Project on behalf of Benchmark Healthcare of Minneapolis, Inc., to finance the costs

thereof under Minnesota Statutes Sections 469.152 - 469.165, as amended, establishing the date for a public hearing with regard to the issuance of such revenue bonds, authorizing the publication of notice of such public hearing, and establishing compliance with certain reimbursement regulations under the Internal Revenue Code.

Section 1. Recitals

1.01. Minnesota Statutes, Section 469.152 – 469.165, as amended (the “Act”), was enacted to facilitate the active promotion, attraction, encouragement, and development of economically sound industry and commerce through governmental action for the purpose of preventing the emergence of blighted and marginal lands and areas of chronic unemployment. The Act was also enacted to reduce the cost of borrowing by local governments for public purposes.

1.02. Pursuant to the Act, the City of Minneapolis, Minnesota (the “City”), is authorized to issue revenue bonds to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of projects. The term “project” is defined in the Act to include any properties, real or personal, used or useful in connection with a revenue producing enterprise, or any combination of two or more such enterprises engaged in any business. The City is authorized by the Act to loan the proceeds derived from the sale of such revenue bonds to any person under the terms of a revenue agreement, to provide for repayment of the loan on such dates and in such amounts sufficient to pay the principal of and interest on the revenue bonds when due, and to secure the revenue bonds with such other security deemed appropriate. Under the terms of the Act, the revenue bonds so issued by the City are special, limited obligations of the City and do not constitute or give rise to a pecuniary liability of the City or a charge against the general credit or the taxing powers of the City.

1.03. Benchmark Healthcare of Minneapolis, Inc., a Minnesota nonprofit corporation (the “Corporation”), has proposed that the City issue its revenue bonds pursuant to the Act (the “Bonds”), in an aggregate principal amount not to exceed \$3,250,000, and loan the proceeds derived from the sale of the

Bonds to the Corporation to finance the costs of the acquisition of Concordia Care Center, a 94-bed skilled nursing facility located at 1620 Oak Park Avenue North in the City of Minneapolis (the "Project"). The Project will be owned by the Corporation and operated by Eminence Health Care of Minnesota, LLC, a Maryland limited liability company (the "Manager"), pursuant to a management agreement between the Corporation and the Manager.

Section 2. Findings

The City Council of the City hereby finds that the Project furthers the purposes stated in Section 469.152 of the Act. The City Council of the City further finds that the Project is a "project" within the meaning of Section 469.153, subd. 2(b) and (d), of the Act.

Section 3. Preliminary Approval

The City Council of the City hereby preliminarily approves the Project and the issuance of the Bonds in the approximate aggregate principal amount of \$3,250,000 to finance all or a portion of the costs of the Project. This preliminary approval is subject to final authorization of the issuance of the Bonds by the City Council of the City.

Section 4. Public Notice and Public Hearing

As a condition to the issuance of the Bonds, Section 469.154 of the Act and section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), impose the requirement that the City conduct a public hearing on the proposal to undertake and finance the Project. Pursuant to such requirement, a public hearing was held before the Community Development Committee of this City Council on Monday, November 2, 1998, at or after 9:30 a.m., in Room 319 of City Hall in the City of Minneapolis, Minnesota. All persons who appeared at the hearing were granted an opportunity to express their views with respect to the proposal to undertake and finance the project.

As required by the provisions of Section 469.154 of the Act and Section 147(f) of the Code, notice of the public hearing held on November 2, 1998, was published in Finance & Commerce, the official newspaper of the City and the Star Tribune, a newspaper of general circulation in the City, on Saturday, October 17,

1998 (sixteen days prior to the date of the public hearing). The notice stated the time and place for the public hearing and included: (i) a general, functional description of the type and use of the facilities to be financed and the general nature of the Project; (ii) the maximum aggregate principal face amount of obligations to be issued with respect to the Project; (iii) the initial owner, operator, or manager of the Project; and (iv) the location of the Project.

Section 5. Reimbursement of Costs under the Code

5.01. The United States Department of the Treasury has promulgated final regulations governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City, or a borrower from the City, for project expenditures paid prior to the date of issuance of such bonds. Those regulations, Treasury Regulations, Section 1.150-2 (the "Regulations"), require that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and that the reimbursement allocation made from the proceeds of the bonds occur within eighteen months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

The City reasonably expects to reimburse the Corporation for the expenditures made for costs of the Project from the proceeds of the Bonds in an estimated maximum aggregate principal amount not exceeding \$3,250,000 after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures will be capital expenditures, costs of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Act. Based on representations by the Corporation, no expenditures for the Project have been made by the Corporation more than sixty days before the date of adoption of this resolution other than: (i) expenditures to be paid or reimbursed from sources other than the Bonds;

(ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.1502(j)(2)(i)(B) of the Regulations; (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations; or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations). Based on representations by the Corporation, as of the date hereof, there are no funds of the Corporation reserved, allocated on a long-term basis, or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Bonds, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Corporation as they exist or are reasonably foreseeable on the date hereof.

Section 6. Costs

The Corporation will pay, or upon demand reimburse the City for the payment of, any and all costs incurred or paid by the City with respect to the Project and the Bonds, whether or not the Bonds are issued or the Project is financed with the proceeds of the Bonds.

Section 7. Conditional Commitment

The adoption of this resolution does not constitute a guarantee or firm commitment that the City will issue the Bonds. If, at any time prior to the issuance of the Bonds, it appears to the City Council that the issuance of the Bonds or the financing of the Project is not in the interests of the City, or is inconsistent with the purposes of the Act, the City Council may decline to provide final authorization for the issuance of the Bonds. The City also retains the right, in its sole discretion, to withdraw from participation and accordingly not issue the Bonds should the City Council, at any time prior to the issuance thereof, determine that it is in the best interests of the City not to issue the Bonds or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents for the transaction.

Section 8. Effective Date

This resolution shall become effective upon its adoption, approval, and publication.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk

Comm Dev – Your Committee, to whom was referred an ordinance amending Title 16, Chapter 422 of the Minneapolis Code of Ordinances relating to Planning and Development: Minneapolis Community Development Agency (MCDA), providing for adoption of administrative guidelines to implement development policies of the City Board of Commissioners, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 98-Or-130 By Niland and Cherryhomes

Intro & 1st Reading: 10/16/98

Ref to: Comm Dev

2nd Reading: 11/13/98

Amending Title 16, Chapter 422 of the Minneapolis Code of Ordinances relating to Planning and Development: Minneapolis Community Development Agency.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 422 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 422.190 to read as follows:

422.190. Administrative guidelines.

Policies intended to affect publicly financed development activities shall be adopted by resolution of the city council or board of commissioners. The respective enabling

resolution shall direct appropriate city or Minneapolis Community Development Agency staff to prepare administrative guidelines to implement the respective policy. The administrative guidelines shall be effective upon approval by the city council or board of commissioners.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998. J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev – Your Committee, having under consideration a review of tax-forfeited properties, now recommends passage of the accompanying resolution approving the classification of approximately 60 of those properties as non-conservation for various disposition, including withholding from public and private sale and conveyance to the Minneapolis Community Development Agency (MCDA), withholding from public and private sale for one year, releasing for public auction and private sale (Petn No 264276).

Your Committee further recommends that the proper City officers be authorized to execute all necessary documents and that this action be transmitted to the Board of Commissioners of the MCDA for adoption of a resolution authorizing the submission of an application to the Commissioner of Revenue and Hennepin County for the conveyance of said properties and acquisition of the non-target property for not more than \$150,000.

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-429, entitled "Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof," was passed November 13, 1998 by the City Council and approved November 18, 1998 by the Mayor. It designates the following parcels as non-conservation land, to be withheld from public and private sale and conveyed to the MCDA: 3028 19th Ave S, 3244 Oakland Ave, 3112 Clinton Ave S, 3528 1st Ave S, 4223 Humboldt Ave N, 2926 Aldrich Ave N, 1728 University Ave NE, 1213 Spring St NE, 1611 2nd St N, 1710 Oliver Ave, 1038 Knox Ave N, 2106 14th Ave S, 615 27th St E, 2924 14th Ave S, 2926 14th Ave S, 2618 Longfellow Ave.

It designates 670 – 25th Ave SE and 2442 – 18th Ave S, previously classified as non-conservation land and withheld from public and private sale, to be conveyed or sold to the MCDA.

It designates the following parcels as non conservation land, withheld from public and private sale and held for one year for the MCDA: 2119 W Broadway, 628 Franklin Ave E, 3445 1st Ave S #6, 3445 1st Ave S #8.

It designates the following parcels as non-conservation land and released for public auction: 3100 Minnehaha Ave, 3532 23rd Ave S, 3408 Snelling Ave, 2611 Logan Ave N, 2935 Lyndale Ave, 2918 Bryant Ave N, 2715 Dupont Ave N, 2711 Dupont Ave N, 3113 6th St N, 2842 Fillmore St NE, 1416 27th Ave NE, 1308 Spring St NE, 2122 Penn Ave N, 1927 W Broadway, 1921 W Broadway, 2206 Oliver Ave N, 1312 Morgan Ave N, 1816 Queen Ave N, 1339 Vincent Ave N, 1031 Newton Ave N, 2224 17th Ave S, 1401 21st St E, 2400 13th Ave S.

It designates the following parcels as non-conservation land and released for private sale: 4657 Aldrich Ave N, 4601 Bryant Ave N, 3301 41st Ave S, 4113 Colfax Ave N, 811 25th Ave N, 1813 5th Ave S, 1815 ½ 5th Ave S, 1821 5th Ave S, 2648 Burham Rd, 2402 4th Ave S, 2303 16th Ave S, 1312 26th St E, 2720 13th Ave S, 2901 12th Ave S, 2830 15th Ave S. The full text of the resolution is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 98R-429

By Niland

Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non conservation and the conveyance thereof.

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be withheld from public and private sale and conveyed to the Minneapolis Community Development Agency (MCDA):

TAX FORFEITED PROPERTIES TO BE ACQUIRED BY THE MCDA

PROPERTY PIN NUMBER	ADDRESS	FORFEIT DATE	LEGAL DESCRIPTION
01 028 24 22 0062	3028 19TH AVE S	5/21/98	S 5 FT OF LOT 1 AND THE N 36 FT OF LOT 2 BLOCK 006 MINNEHAHA ADDITION TO MINNEAPOLIS
02 028 24 23 0119	3244 OAKLAND AVE	6/18/98	LOT 010 BLOCK 002 "NICHOLS & SAEGER'S ADDITION TO MINNEAPOLIS"
03 028 24 11 0123	3112 CLINTON AVE S	5/21/98	LOT 004 BLOCK 001 THIRD AVE ADDITION
03 028 24 42 0097	3528 1ST AVE S	7/16/98	LOT 1 PARKER & HARDESTY'S ADDITION TO MINNEAPOLIS MINNESOTA
04 029 24 21 0013	4223 HUMBOLDT AVE N	7/16/98	BLOCK 001 LOT 017 & S 15 FT OF LOT 16 "BERKELEY"
09 029 24 41 0020	2926 ALDRICH AVE N	6/18/98	LOT 022 BLOCK 001 "HARMONY TERRACE"
11 029 24 33 0112	1728 UNIVERSITY AVE NE	7/16/98	LOT 001 " WALTER'S SUBD IN BLOCK 15 BOTTINEAU'S SECOND ADDN TO ST ANTHONY"

November 13, 1998

13 029 24 31 0121	1213 SPRING ST NE	6/18/98	W 40 53/100 FT OF THE E 124 3/100 FT LOTS 25 28 AND 29 BLOCK 009 "RAMSEY, LOCKWOOD & OTHERS ADDITION" TO ST. ANTHONY
15-029-24-31-0007	1611 2ND ST N	2/13/98	E 150 FT OF LOTS 1 & 2 BLOCK 027, BASSETT, MOORE & CASE'S ADDN TO THE TOWN OF MPLS
16 029 24 32 0031	1710 OLIVER AVE	7/16/98	LOT 011 BLOCK 2 MENARD'S FIRST ADDN TO MINNEAPOLIS
21 029 24 21 0148	1038 KNOX AVE N	6/18/98	LOT 022 BLOCK 006 "OAK PARK ADDITION TO MINNEAPOLIS"
35 029 24 12 0071	2106 14TH AVE S	7/16/98	N ½ OF S ½ LOTS 1 & 2 BLOCK 006 ELIOT'S ADDITION TO MINNEAPOLIS
35 029 24 32 0150	615 27TH ST E	7/16/98	W 1.2 OF LOT 1 & N 40 47/100 FT OF W ½ OF LOT 2 EUSTIS SUBDIVISION OF THE NORTH ONE HALF (1/2) OF EMERSONS ADDN
35 029 24 43 0012	2924 14TH AVE S	6/18/98	LOT 013 BLOCK 001 EUSTIS' 2ND ADDITION TO MINNEAPOLIS
35 029 24 43 0013	2926 14TH AVE S	6/18/98	LOT 014 BLOCK 001 EUSTIS' 2ND ADDITION TO MINNEAPOLIS
36 029 24 32 0028	2618 LONGFELLOW AVE	7/16/98	LOT 006 BLOCK 002 "THE HOLDING COMPANY'S ADDITION TO MINNEAPOLIS"

Be It Further Resolved that the parcels listed below have been previously designated as non-conservation land and withheld from public and private sale by the MCDA, and that all the properties below be conveyed and or sold to the Minneapolis Community Development Agency:

30 029 23 21 0001	670 25 AVE SE (Non-Target)	7/13/95	That Part of Lots 8 and 9 Described as beginning at the most northerly corner of Lot 6 then Southeasterly
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along northeasterly line of
said lot 6 distance of 74.87
ft then def left 97 degrees
32 minutes 152 ft then
northwesterly at r/a's 47.35
ft then northeasterly at r/a's
86.93 ft then northwesterly
158.25 ft to a point on the
northeasterly line of Lot 9
dis 180.9 ft northwesterly
from most easterly corner of
said lot 9 then northwesterly
along northeasterly line
thereof 351.77 ft then
northwesterly 406.94 ft to
the most northerly corner of
said lot 9 then southeasterly
to most easterly corner of lot
10 then southwesterly along
the southeasterly line of
said lot 10 distance 1.98 ft
then southeasterly 240.38 ft
to a point on the
northwesterly line of lot 6 dis
28.33 ft southwesterly from
most northerly corner
thereof then northeasterly to
beginning

35 029 24 14 0167 2442 18 AVE S 9/10/98

South 37 ½ ft of Lot 4,
block 1, gilpatrick's 4th
addition to minneapolis

Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be withheld from public and private sale and held for one year for the Minneapolis Community Development Agency:

16 029 24 22 0181	2119 W BROADWAY
26 029 24 33 0076	628 FRANKLIN AVE E
03 028 24 42 0189	3445 1 AVE S #6
03 028 24 42 0191	3445 1 AVE S #8

Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be released for public auction:

PID Number	Address	Forfeit Date	Legal Description
01 028 24 12 0048	3100 MINNEHAHA AVE	5/21/98	SELY 40 FT OF LOT 15 AND NWLY 10 FT OF LOT 16 BLOCK 001 GRISWOLDS 3RD ADDITION TO MINNEAPOLIS
01 028 24 31 0189	3532 23 AVE S	6/18/98	LOT 010 BLOCK 002 "SOUTH MINNEAPOLIS HEIGHTS"
01 028 24 41 0136	3408 SNELLING AVE	6/18/98	LOT 005 BLOCK 002 PALMER'S ADDITION TO MINNEAPOLIS
09 029 24 33 0171	2611 LOGAN AVE N	7/16/98	LOT 005 BLOCK 009 "SUPPLEMENT TO FOREST HEIGHTS MINNEAPOLIS"
09 029 24 41 0007	2935 LYNDAL AVE	7/16/98	LOT 007 BLOCK 001 "HARMONY TERRACE"
09 029 24 41 0047	2918 BRYANT AVE N	6/18/98	LOT 020 BLOCK 002 "HARMONY TERRACE"
09 029 24 43 0018	2715 DUPONT AVE N	5/21/98	LOT 004 BLOCK 018 FAIRMOUNT PARK ADDITION TO MINNEAPOLIS
09 029 24 43 0019	2711 DUPONT AVE N	6/18/98	LOT 005 BLOCK 018 FAIRMOUNT PARK ADDITION TO MINNEAPOLIS
10 029 24 32 0051	3113 6 ST N	7/16/98	LOT 004 BLOCK 008 MORRISONS ADDITION TO NORTH MINNEAPOLIS
12 029 24 22 0004	2842 FILLMORE ST NE	6/18/98	LOT 003 BLOCK 001 MENAGE'S SUPPLEMENT TO EAST SIDE ADDITION TO MINNEAPOLIS
12 029 24 24 0098	1416 27 AVE NE	6/18/98	LOT 002 BLOCK 003 "LINCOLN HILLS ADDITION TO MINNEAPOLIS"

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13-029-24-34-0009	1308 SPRING ST NE	7/16/98	THAT PART LYING E OF W 57 FT LOT 002 BLOCK 015 "RAMSEY, LOCKWOOD & OTHERS ADDN TO ST. ANTHONY"
16 029 24 23 0084	2122 PENN AVE N	5/21/98	LOT 017 BLOCK 022 FOREST HEIGHTS
16 029 24 23 0100	1927 W BROADWAY	4/10/98	LOT 011 BLOCK 023 EX ST FOREST HEIGHTS
16 029 24 23 0101	1921 W BROADWAY	6/19/97	LOT 012 BLOCK 023 EX ST FOREST HEIGHTS
16 029 24 23 0116	2206 OLIVER AVE N	5/21/98	LOT 027 BLOCK 023 "FOREST HEIGHTS"
16 029 24 33 0162	1312 MORGAN AVE N	7/16/98	LOT 022 BLOCK 005 "ROSEDALE PARK"
17 029 24 41 0006	1816 QUEEN AVE N	6/18/98	LOT 008 BLOCK 001 EASTLAWN ADDITION TO MINNEAPOLIS
17 029 24 43 0117	1339 VINCENT AVE N	7/16/98	LOT 6 "QUIRK'S REARRANGEMENT OF LOTS 22, 23, 27, 28, 29, 30, AND 31 AUDITOR'S SUBD NO 46" N 39FT EX PART TAKEN FOR ALLEY
21 029 24 22 0048	1031 NEWTON AVE N	7/16/98	LOT 7 & N ½ OF LOT 8 BLOCK 026 "OAK PARK ADDITION TO MINNEAPOLIS"
35 029 24 11 0080	2224 17 AVE S	6/18/98	LOT 015 BLOCK 006 FORSTER'S ADDITION TO MINNEAPOLIS
35 029 24 12 0090	1401 21 ST E	7/16/98	W 38 40/100 FT LOT 005 BLOCK 007 ELIOT'S ADDITION TO MINNEAPOLIS
35 029 24 13 0036	2400 13 AVE S	7/16/98	N 2/3 LOT 001 BLOCK 004 GALES 1ST ADDITION TO MINNEAPOLIS

Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be released for private sale:

12 118 21 34 0030	4657 ALDRICH AVE N
12 118 21 34 0071	4601 BRYANT AVE N
06 028 23 13 0158	3301 41 AVE S
04 029 24 14 0179	4113 COLFAX AVE N
16-029-24-11-0074	811 25 AVE N
27 029 24 44 0070	1813 5 AVE S
27 029 24 44 0071	1815 ½ 5 AVE S
27 029 24 44 0072	1821 5 AVE S
32 029 24 31 0070	2648 BURHAM RD
34 029 24 14 0070	2402 4 AVE S (N/W/S LOT SIZE, THIS PARCEL DEEMED TO BE UNBUILDABLE PER CLOSE PROXIMITY OF FREEWAY PEDESTRIAN STAIR TOWER)
35 029 24 11 0072	2303 16 AVE S
35 029 24 13 0208	1312 26 ST E
35 029 24 42 0178	2720 13 AVE S
35 029 24 43 0051	2901 12 AVE S
35 029 24 43 0098	2830 15 AVE S

Be It Further Resolved that this matter be referred to the Minneapolis Community Development Agency for authorization to submit an application to the Commissioner of Revenue and the County of Hennepin for the conveyance of said property pursuant to the provisions of Minnesota Statutes 282.01, Subd. 1 and Subd. 1a, as amended by Laws 1990, Chapter 604, Article 3, Section 37.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998. J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev – Your Committee recommends passage of the accompanying resolution electing to continue participating in the Local Housing Incentive Account Program under the Metropolitan Livable Communities Act in calendar year 1999.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 13, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 17, 1998)

RESOLUTION 98R-430

By Niland

Electing to continue participating in the Local Housing Incentive Account Program under the Metropolitan Livable Communities Act in calendar year 1999.

Whereas, the Metropolitan Livable Communities Act (Minnesota Statutes Section 473.25 to 473.254) establishes a Metropolitan Livable Communities Fund which is intended to address housing and other development issues facing the metropolitan area defined by Minnesota Statutes section 473.121; and

Whereas, the Metropolitan Livable Communities Fund, comprising the Tax Base Revitalization Account, the Livable Communities Demonstration Account and the Local Housing Incentive Account, is intended to provide certain funding and other assistance to metropolitan area municipalities; and

Whereas, a metropolitan area municipality is not eligible to receive grants or loans under the Metropolitan Livable Communities Fund or eligible to receive certain polluted sites cleanup funding from the Minnesota Department of Trade and Economic Development unless the municipality is participating in the Local Housing Incentives Account Program under the Minnesota Statutes section 473.254; and

Whereas, the Metropolitan Livable Communities Act requires the Metropolitan Council to negotiate with each municipality to establish affordable and life-cycle housing goals for that municipality that are consistent with and promote the policies of the Metropolitan Council as provided in the adopted Metropolitan Development Guide; and

Whereas, each municipality must identify to the Metropolitan Council the actions the municipality plans to take to meet the established housing goals through preparation of the Housing Action Plan; and

Whereas, the Metropolitan Council adopted, by resolution after a public hearing, negotiated affordable and life-cycle housing goals for each participating municipality; and

Whereas, a metropolitan area municipality which elects to participate in the Local Housing Incentives Account Program must do so by November 15 of each year; and

Whereas, for calendar year 1999, a metropolitan area municipality that participated in the Local Housing Incentive Account Program during the calendar year 1998, can continue to participate under Minnesota Statutes section 473.254 if (a) the municipality elects to participate in the Local Housing Incentives Account Program by November 15, 1998; and (b) the Metropolitan Council and the municipality have successfully negotiated affordable and life-cycle housing goals for the municipality;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City hereby elects to participate in the Local Housing Incentives Program under the Metropolitan Livable Communities Act during the calendar year 1999.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 13, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 17, 1998)

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget – Your Committee, having under consideration the Heritage Landing Apartments Housing Development Project and Tax Increment Plan (Riverstation II), Modification No. 60 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan and Modification No. 17 to the North Loop Redevelopment Plan, dated October 2, 1998 and set forth in Petn No 264278, all related to facilitating the construction of approximately 232 units of rental housing, 7,000 square feet of commercial, 375 underground parking stalls and 30 above-ground parking stalls on three acres of Minneapolis Community Development Agency (MCDA) property adjacent to the River Station Townhome project in the North Loop residential mixed use neighborhood, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution adopting said Modifications.

Your Committee further recommends that this action be referred to the Board of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-431
By Niland and Campbell

Adopting Modification No 17 to the North Loop Redevelopment and Tax Increment Finance Plan in order to remove a parcel from the existing North Loop Redevelopment and Tax Increment Finance District, Modification No 60 to the Common Development and Redevelopment and Common Tax Increment Finance Plan in order to remove a parcel from the existing Common Development and Redevelopment and Common Tax Increment Finance District, the establishment of the Heritage Landing Apartments Housing Development Plan, and Heritage Landing Apartments Tax Increment Finance Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. **Recitals.**

1.01. That the Minneapolis Community Development Agency (the "Agency") has the authority to propose and implement housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended; and Minneapolis Code of Ordinances, Chapter 422, as amended (collectively, the "Laws").

1.02. That by Resolution duly adopted on August 31, 1973 and subsequent resolutions, the City approved the creation of the North Loop Redevelopment Project and the adoption of the North Loop Redevelopment Plan, as modified. The North Loop Redevelopment Project is included within the Common Project Area.

1.03. That by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City of Minneapolis has approved the creation by the Minneapolis Community Development Agency of the Common Development and Redevelopment Project (the "Common Project Area") and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plan (the "Common Plans") relating thereto, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422, as amended.

1.04. It has been proposed, the Agency has prepared, and this Council has investigated the facts with respect to a proposed Modification No 17 to the North Loop Redevelopment Plan to remove a parcel from the existing Redevelopment Project Area and tax increment district, in order to provide the legal authority for the creation of a new housing development project and tax increment financing district outside the boundaries of the North Loop Redevelopment Project Area and Tax Increment Financing District, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended.

1.05. It has been proposed, the Agency has prepared, and this Council has investigated the facts with respect to a proposed Modification No 60 to the Common Plans to remove a parcel from the existing Common Project Area and participating tax increment district, in order to provide the legal authority for the creation of a new housing development project and tax increment financing district outside the boundaries of the Common Project Area and participating Tax Increment Financing District, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended.

1.06. It has been proposed that the Agency prepare the Heritage Landing Apartments Housing Development and Tax Increment Finance Plans to reflect project activities and costs, the designation of property to be included within the boundaries of the Heritage Landing Apartments Housing Development Project (the "Project Area"), and the establishment of the Heritage Landing Apartments Tax Increment Finance District (the "TIF District") within the boundaries of the Project Area; all pursuant to and in accordance with the Laws.

1.07. The Agency has caused to be prepared, and this Council has investigated the facts with respect to the proposed Heritage Landing Apartments Housing Development and Tax Increment Finance Plans, (collectively, the "Plans") describing more precisely the activities to be undertaken, public costs, the designation of property that may be disposed of and conveyed to a private developer, and the identification of a budget for expenditures, within the area bounded by the Project Area, all pursuant to and in accordance with the Laws.

1.08. The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.09. The Council hereby determines that it is necessary and in the best interests of the

City at this time to approve the Plans to reflect project activities and costs in the Project Area.

Section 2. Findings for the Adoption of the Plans.

2.01. The Council hereby finds, determines and declares that the actions authorized by the Modifications and the Plans are all pursuant to and in accordance with the Laws.

2.02. The Council hereby finds, determines and declares that the Heritage Landing Apartments Housing Development Project ("the Project") is necessary to alleviate a shortage of decent, safe and sanitary housing for persons of low or moderate income and their families as such income is determined by the Authority, pursuant to the Laws, Section 469.017.

2.03. The Council hereby finds, determines and declares that on July 31, 1998, the Council adopted by Resolution 98R-281 an Affordable Housing Policy for the City of Minneapolis documenting the growing shortage of decent, safe and affordable housing for low and moderate income families and individuals in the City. Evidence presented to support this finding and policy are listed in Exhibit 2

"Documentation of Project and Site Eligibility" of the Heritage Landing Apartments Housing Development and Tax Increment Finance Plan, and are on file at the Agency. It is therefore found that the establishment of the Heritage Landing Apartments Housing Development Project is fully justified to facilitate public development activities and expenditures to alleviate the current shortage of decent, safe, and affordable housing for low and moderate income households in Minneapolis.

2.04. The Council hereby finds, determines and declares that low income housing is defined as housing affordable to families with incomes below 80 percent of the Metropolitan median family income. Further, twenty percent or more of the residential units of the proposed development must be occupied by individuals whose income is fifty percent or less of area median income, and these units will have rent and income restrictions to ensure their availability as low income housing. These units will remain affordable to individuals whose income is 50 percent or less of the area median income, and therefore, the Heritage Landing Apartments Project does comply with the income requirements for a qualified rental project, and meets the income requirements

necessary for the creation of a Housing TIF District.

2.05. The Council hereby finds, determines and declares that moderate income housing is defined as housing affordable to families with incomes between 80 percent and 120 percent of the Metropolitan median family income; and further, moderate income is defined for this purpose in terms of the income levels for which the market does not provide housing without public assistance. In addition, 469.003, Subdivision 18, defines moderate income persons as "persons and their families whose income is not adequate to cause private enterprise to provide without governmental assistance a substantial supply of decent, safe, and sanitary housing at rents or prices within their financial means."

2.06. The Council hereby finds that new rental housing affordable to persons in this income range is not being developed within the City and a survey of building permits for rental housing in the City indicated that no new rental housing affordable to persons in this income range has been developed within the past ten years, and therefore, it is determined that the Heritage Landing Apartments Project does qualify for public redevelopment assistance utilizing the powers conveyed with the creation of a Housing Development Project.

2.07. That the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

2.08. That the Project Plan for the Project Area in the City will afford maximum opportunity, consistent with the needs of the City as a whole, for the redevelopment of the area by private enterprise.

2.09. That the Project Plan conforms to a general plan for the development of the City as a whole.

Section 3. Findings for the Adoption of the Heritage Landing Apartments Tax Increment Finance Plan.

3.01. The Council hereby finds, determines and declares that the Heritage Landing Apartments Tax Increment Finance District (the "District") is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11.

3.02. The Council further finds, determines and declares that the Heritage Landing Apartments TIF Plan affords maximum

opportunity, consistent with the sound needs of the City as a whole, for the development of the TIF District by private enterprise as the proposed development is necessary in order to finance a portion of the public redevelopment activities necessary to implement the Development Program for the Heritage Landing Apartments Housing Development Project, in order to relieve the current shortage of decent, safe, and sanitary housing for persons of moderate or low income and their families in Minneapolis; and further, that tax increment assistance is being utilized to subsidize the extraordinary cost of providing affordable housing at this site.

3.03. The Council further finds the creation of this TIF District is in the public interest because it will facilitate the development of a mixed-income housing project which will provide needed housing for moderate and low income persons and families, in addition to retail space and public parking.

3.04. The Council further finds additional public benefits will include blight remediation, tax base enhancement, economic integration, and increased neighborhood livability.

3.05. The Council further finds that low income housing is defined as housing affordable to families with incomes below 80% of the Metropolitan median family income, and moderate income housing is defined as housing affordable to families with incomes between 80% and 120% of the Metropolitan median family income. These definitions are adopted pursuant to Minnesota Statutes, Section 469.174, Subdivision 11. Moderate income is defined pursuant to Section 469.003, Subdivision 18 as "persons and their families whose income is not adequate to cause private enterprise to provide without governmental assistance a substantial supply of decent, safe, and sanitary housing at rents or prices within their financial means". In the current real estate market, new rental housing affordable to persons in this income range is not being developed within the City, except with governmental assistance, this project does qualify for public redevelopment assistance. Further, in order to finance public redevelopment costs with revenue from a housing TIF district, Minnesota Statutes, Section 469.1761, Subd. 3, requires that "for residential rental property, the property must satisfy the income requirements for a qualified

residential rental project as defined in section 142(d) of the Internal Revenue Code". It is found that at least 20% of these units will have rent and income restrictions to ensure their availability as low income housing and will remain affordable to individual whose income is 50% or less of the area median income for at least the period of time provided in Minnesota Statutes, Section 469.1761, therefore the project does comply with the income requirements for a "qualified residential rental project", and meets the income requirements necessary for the creation of a Housing TIF District.

3.06. Pursuant to Minnesota Statutes, Section 469.174, Subdivision 11, the fair market value of the low and moderate income housing project must constitute at least 80% of the total valuation of the improvements constructed in the Housing TIF District. Because the project meets the Internal Revenue Code definition of a "qualified residential rental project", the entire housing component of the project qualifies as a low and moderate income housing development. About 94.1% of the assessed value of the complete development is attributable to the "qualified residential housing project" as provided by the City Assessor's Office in Exhibit 3 of the Plan . Therefore, the Heritage Landing Apartments Project meets both the income and valuation eligibility tests for the creation of a Housing TIF District.

3.07. The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the plan. The site of the proposed project is an approximately 3 acre parcel of land is part of the large tract of former Burlington Northern railroad tracks, railroad yards and repair shops. Efforts have been underway for about 25 years to redevelop these obsolete and underutilized railroad

properties. Although the area is developing rapidly, public redevelopment activities and expenditures remain an essential component for leveraging private investment and development. The site has severe topographic and historic preservation site constraints that limit its redevelopment potential. Only a high density project such as the proposed project, is capable of overcoming the physical challenges of the site. Further, 20% of the units will be rent restricted units, and as documented in the Plans, market rents cannot support the costs of new construction even for middle income renter households. The public redevelopment activity, expenditures and market values associated with the project results in a series of calculations and figures that clearly passes the "market value test" of Minnesota Statutes, Section 469.175, as provided in the plan document. It is therefore the opinion of the City of Minneapolis that the development in this TIF District could not occur solely through private investment within the foreseeable future.

3.08. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission and Ways and Means/Budget Committee with respect to the Plans were issued and are incorporated herein by reference, and are on file in the office of the City Clerk in the form of a Petition.

3.09. The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the Heritage Landing Apartments TIF District. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, Paragraph (a) is elected.

3.10. The Council further finds, determines and declares that since the Heritage Landing Apartments Project meets the more stringent rent and income restrictions associated with a "qualified housing district" specified in Minnesota Statutes, Section 273.1399, Subdivision 1(c), the Heritage Landing Apartments Housing TIF District is exempt from the LGA/HACA penalty provisions.

3.11. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

Section 4. Approval of the Plans.

4.01. Based upon the findings set forth in Section 2 and Section 3 hereof, the Heritage Landing Apartments Housing Development Project, and the Heritage Landing Apartments Tax Increment Finance Plan presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 5. Implementation of the Plans.

5.01. The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your Committee recommends passage of the accompanying resolution increasing the appropriation in Minneapolis Community Development Agency (MCDA) Fund CS1 (CSM1) by \$150,000 to fund the removal of contaminated soils for construction of a roadway in relation to the Redevelopment Contract with CSM Corporation in the South East Minneapolis Industrial area, and by increasing Fund CAD (Tax Increment Administration) by \$4,500 to support the City administration fee (Petr No 264278).

Your Committee further recommends that this action be referred to the Board of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-432 By Niland and Campbell

**Amending the 1998 Minneapolis
Community Development Agency
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increasing the appropriation in Fund CS1 – CSM1 by \$150,000 from available fund balance; and

b) Increasing the appropriation in Fund CAD – Tax Increment Administration by \$4,500.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR – Your Committee, having under consideration the Census 2000, now recommends that the following individuals, representing various communities in the City as set forth in Petn No 264282, be approved for membership on the Minneapolis Complete Count Committee:

Bill Vanderwall, 2414 Park Av;
Annie Sherman, 2610 Grand Av S;
Valerie Sheehan, 3414 Lyndale Av N;
Sheldon Ramnarine, 807 NE Broadway;
Carolyn Lawrence, 3604 15th Av S;
Michael A Goze, 3210 18th Av S;
Dan Goodermont, 400 S 10th St;
Will Craig, 2218 Sheridan Av S;
Mary Boler, 1001 Washington Av N;
Mary Barrick, Suite 200, 400 S 4th St;
Mario Anchondo, 4130 Rahn Rd, Eagan;
Penelope Haru Snipper, 1920 S 1st St,

#2306;

Neva Walker, 3740 3rd Av S;
Eric Mitchell II, 401 S 1st St, #420.

Your Committee further recommends that the application process remain open as long as there are vacancies on the Complete Count Committee.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS – Your Committee, having under consideration the application of Merchants LLC, dba Merchants, 1010 Nicollet Mall for an On-Sale Liquor Class E with Sunday Sales License to expire October 1, 1999 (new business), and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the application of Gianni Fragali Italia Cucina Inc, dba Gianni Fragali Italia Cucina, 10 S 5th St, for an On-Sale Liquor Class A with Sunday Sales License to expire October 1, 1999 (new business), now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Biernat moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

PS&RS – Your Committee, having under consideration the application of Dominick S. Skrade, dba Uptown Tattoo LLP, 614 W 27th St, for a Tattooing License to expire May 1, 1999 (new business), now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 13, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 17, 1998)

PS&RS – Your Committee recommends granting the following applications for liquor, wine and beer licenses:

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 1999

Al Di Sal Inc, dba Lounge, 411 2nd Av N (internal transfer of shares);

Al Di Sal Inc, dba Lounge, 411 2nd Av N;
T H S Hotel Operations Inc, dba Crown Plaza Northstar Hotel, 618 2nd Av S;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 1998

International Catering Inc, dba Atrium Cafe & Atrium Catering Intl, 275 Market St (temporary expansion of premises, December 19, 1998, 6:00 p.m. to Midnight, Prostaff);

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 1999

International Catering Inc, dba Atrium Cafe & Atrium Catering Intl, 275 Market St (temporary expansion of premises, October 31, 1998, 7:30 p.m. to 1:00 a.m., HSN Entertainment);

International Catering Inc, dba Atrium Cafe & Atrium Catering Intl, 275 Market St (temporary expansion of premises, November 7, 1998, 6:00 p.m. to 11:30 p.m., Simpson Housing Services);

International Catering Inc, dba Atrium Cafe & Atrium Catering Intl, 275 Market St (temporary expansion of premises, November 6, 1998, 7:00 p.m. to 11:00 p.m., Children's Hospital & Clinics);

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2000

Aster Pictures Corporation, dba Aster, 125 Main St SE;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 1999

One Eyed Dog Ltd, dba Triple Rock, 629 Cedar Av (new ownership from Blondies On The Ave Inc);

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 1999

Schooner Inc, 2901 27th Av S (1st floor);

Temporary On-Sale Liquor

Minnesota Orchestral Association, 1111 Nicollet Mall (October 12, 1998, 6:00 p.m. to 8:45 p.m., 11th St betw Nicollet & Marquette; Licensed facilitator: Minnesota Orchestral Association);

Theatre De La Jeune Lune, 105 N 1st St (November 19, 20 & 21, 1998, 10:45 p.m. to 11:45 p.m.; November 22, 1998, 4:45 p.m. to 5:45 p.m.; Licensed facilitator: D'Amico Catering).

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of November 13, 1998, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 264286):

Amusement Devices; Place of Amusement Class A; Place of Amusement Class B-1; Place of Amusement Class B-2; Place of Amusement Class C; Building Contractor Class A; Cement Finisher; Contractor/Masonry Class A; Christmas Tree; Place of Entertainment; Fire Extinguisher Class A; Caterers; Confectionery; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Sidewalk Cafe Permit; Bulk Gas & Oil Storage; Gasoline Filling Station; Hotel; Musical Juke Box; Lodging House; Lodging with Boarding House; Motor Vehicle Dealer – Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Access Use; Motor Vehicle Servicing Class A (Towing); Motor Vehicle Servicing Class B (Towing); Motor Vehicle Used – Parts Dealer; Commercial Parking Lot Class A; Commercial Parking Lot Class B – Contract; Plasterer; Recycling/Salvage Yard; Recycling/Salvage Additional Yard; Skating Rink – Roller & Ice; Solid Waste Hauler; Suntanning Facilities; Tattooing; Taxicab – Limited; Taxicab Vehicle; Theater – Zone I; Theater –Zone III; Tobacco Dealers; Transient Merchant.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

Minneapolis Boys & Girls Club, 2323 11th Av S (raffle, October 30, 1998, Blaisdell Manor);

Twinwest Chamber Foundation, 10550 Wayzata Blvd, Minnetonka (raffle, February 5, 1999, International Market Square);

Church of Christ the King, 5029 Zenith Av S (raffle, November 21, 1998);

Church of St Boniface, 629 NE 2nd St (raffle, paddlewheel & pulltabs, November 24, 1998).

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the On-Sale Liquor and Tobacco Licenses held by Deep Dish, Inc, 4501 France Av S, and having received notification from the State of Minnesota Department of Revenue that Deep Dish has an outstanding tax liability, now recommends that said license be revoked and the licensee immediately discontinue business within the City of Minneapolis until a tax clearance certificate is obtained from the State.

Biernat moved that the report be deleted. Seconded.

Adopted upon a voice vote.

PS&RS – Your Committee recommends that the proper City Officers be authorized to execute Amendment #5 to Contract #3658 with Hennepin County, by adding \$314,080 for a total contract amount not to exceed \$910,488, to provide transportation services for public inebriates for the period January 1, 1999 through December 31, 2000, payable from Police (010-400-B133) which will be reimbursed by Hennepin County.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Immunization Action Plan whereby the City in partnership with Hennepin County provides immunization services, now recommends that the proper City Officers be authorized to execute Amendment #1 to Contract #12846 with Hennepin County, by adding \$52,753 to the contract for a total amount not to exceed \$155,453, payable from

the Health Department (030-440-4413). Said contract amendment shall be for the period January 1, 1998 through March 31, 1999 and will allow the County to continue to implement the 1998 plan to improve the immunization status of children in Minneapolis, including the Baby Tracks program.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the proper City Officers be authorized to execute a contract with Cindy Kallstrom, in the amount of \$55,500, to continue to provide public health education and health promotion consulting services for the period January 1 through December 31, 1999, payable from the Health Department (010-440-4413), contingent upon approval of funding in the 1999 budget. Said consulting services shall be in the areas of youth violence prevention, youth access to alcohol and tobacco, school health restructure, and promotion of immunizations for children.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Community Health Services Plan for the City, now recommends that the proper City Officers be authorized to execute Amendment #1 to Contract #12959 with Lynne Holman, by adding \$22,000 to the contract for a total amount not to exceed \$46,990, for continued consulting services to Health Department Staff to assist with the completion of the mandated plan that includes an assessment of needs and a program plan for the years 2000 to 2003. Said contract shall be for the period January 1, 1998 through June 30, 1999, payable from the Health Department (060-440-4413), contingent upon approval of funding in the 1999 budget.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the proper City Officers be authorized to execute Amendment #1 to Contract #12642 with Joanne Mooney, by adding \$22,500 to the contract for a total amount not to exceed \$57,500, for staff services in the area of school health planning offered by community health care providers and Minneapolis Public Schools' Health Related Services through the Welcome Center for newly enrolling students. Said contract shall be for the period January 1, 1998 through June 30, 1999, payable from the Health Department (060-440-4413), contingent upon approval of funding in the 1999 budget.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the proper City Officers be authorized to execute a contract with the Hennepin County Community Health Department, in the amount of \$97,956, to provide early childhood tracking program services for infants and toddlers at risk for health or developmental problems through its 348-TOTS Program. Said contract shall be for the period January 1, 1999 through June 30, 2000, payable from the Health Department (060-440-4413).

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the 1998 Youth Access to Alcohol Compliance Report, now recommends approval of the following proposals, as more fully set forth in Petn No 264288 on file in the Office of the City Clerk:

a. that the Police License Investigation Division conduct a minimum of 250 decoy compliance checks in 1999, to be based on the 1998 model, including fines and consequences, and funded by revenues from the civil fines paid by the dealers not in compliance.

b. that staff from the Police License Investigation Division and the City Attorney's Office be directed to find innovative methods to enforce existing laws that bring consequences to underage persons who attempt to purchase beverage alcohol, and adults who illegally provide alcohol to minors.

c. that staff from the Police License Investigation Division and Licenses and Consumer Services be directed to research and draft ordinance language that would mandate professional server training for all persons engaged in the selling and/or service of beverage alcohol.

d. that the information packet for beverage alcohol retailers presently being prepared by the Department of Health & Family Support be distributed to every existing licensee, as well as future liquor license applicants.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the following properties creating nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having determined that rehab of said properties is not feasible, now recommends that the proper City officers be authorized to raze the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

a. 904 N 34th Av, That part lying West of East 43 feet, except the rear 7 feet of said lots taken for alley, in Block 2, A.Y. Davidson Addition (PID #09-029-24-11-0043);

b. 1904 W Broadway, Southerly 3 feet of Lot 58, Forest Heights (PID #16-029-24-23-0046).

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Rental Dwelling License held by Donald McGraw for the property located at 3305 3rd Av S, now recommends that said license be revoked for failure to allow a rental licensing inspection of the property, in accordance with Section 244.1910 (h) of the Minneapolis Code of Ordinances.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the following levies be approved and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petr No 264285):

Levy 1080 – Removal of Offensive Matter (rubbish), payable in one year, \$431,095.87.

Levy 1081 – Removal of Offensive Matter (weeds), payable in one year, \$181,945.57.

Levy 1084 – Removal of Offensive Matter (hazardous trees), payable in five years, \$155,265.64.

Levy 1085 – Removal of Offensive Matter (brush & plant growth), payable in one year, \$6,545.33.

Levy 1092 – Removal of Hazardous/Nuisance Condition Buildings, payable in one year, \$250,597.48.

Levy 1093 – Removal of Hazardous/Nuisance Condition Buildings (authorized by owner), payable in five years, \$26,597.18.

Levy 1099 — Securing Abandoned Buildings, payable in one year, \$31,153.25.

Your Committee further recommends passage of the accompanying Resolutions, all in accordance with Chapter 227 of the Minneapolis Code of Ordinances:

a) Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions (Levies 1080, 1081, 1084 and 1085);

b) Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing buildings determined to constitute a nuisance condition, in accordance with Chapter 249 of the Minneapolis Code of Ordinances (Levy 1092);

c) Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing dangerous buildings determined to constitute a nuisance condition, in accordance with Chapter 87 of the Minneapolis Code of Ordinances (Levy 1092);

d) Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing certain buildings, as authorized in Minnesota Statutes, Chapter 463 (Levy 1093); and

e) Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings, as authorized in Minnesota Statutes, Chapter 463 (Levy 1099).

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-433

By Biernat

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, The Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred in the removal of offensive matter are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Numbers 1080 (Rubbish Removal), 1081 (Weed Removal), 1084 (Offensive Tree Removal) and 1085 (Shrub, Brush Removal) be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Numbers 1080, 1081, and 1085 be payable in a single installment with interest thereon at eight percent (8%) and that Levy No 1084 be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 264285 on file at the Office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-434

By Biernat

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing buildings determined to constitute a nuisance condition, in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings constituted a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances and the Director of Inspections was empowered to abate the nuisance by having the buildings razed; and

Whereas, Chapter 249 provides that cost of such razing shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances;

Now Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred in razing buildings determined to constitute a nuisance condition are hereby approved and that said costs be assessed against the properties.

Be It Further Resolved that the items contained in part of Levy 1092 be approved and transmitted to the Hennepin County Property Taxation Department and that the Director of the Hennepin County Taxation Department be directed to place assessments against the specified properties with interest at the rate of eight percent (8%) per annum on the unpaid balance thereof to defray costs of work performed under the authorization of the Inspections Division to raze said buildings, as set forth in Petn No 264285 on file at the Office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-435

By Biernat

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing dangerous buildings determined to constitute a nuisance condition, in accordance with Chapter 87 of the Minneapolis Code of Ordinances.

Whereas, the Director of Inspections is authorized under Chapter 87 of the Minneapolis Code of Ordinances to abate hazardous conditions by razing dangerous buildings after determination by the Director of Inspections and Chief of the Fire Department that a dangerous condition exists; and

Whereas, the City Charter of the City of Minneapolis provides that the costs incurred in the razing of dangerous buildings shall be levied and collected as a special assessment against the properties;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred in razing dangerous buildings are hereby approved and that said costs be assessed against the properties.

Be It Further Resolved that the items contained in part of Levy 1092 be approved and transmitted to the Hennepin County Taxation Department and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under the authorization of the Inspections Division to raze dangerous buildings on properties, payable in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 264285 on file at the office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-436

By Biernat

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing certain buildings, as authorized in Minnesota Statutes, Chapter 463.

Whereas, the City Council of the City of Minneapolis is empowered to raze any hazardous buildings or remove or correct any hazardous condition of real estate upon obtaining the consent in writing of all owners of record, occupying tenants and all lien holders of record, in accordance with Minnesota Statutes Section 463.151; and

Whereas, the Director of Inspections did raze said buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the costs incurred in the razing of such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of razing such buildings under this provision are hereby approved and that said costs be assessed against the properties.

Be It Further Resolved that Levy 1093 be approved and transmitted to the Hennepin County Property Taxation Department and that the Director of the Hennepin County Taxation Department be directed to place assessments against the specified properties to be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 264285 on file at the office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Republished January 16, 1999)

RESOLUTION 98R-437

By Biernat

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings, as authorized in Minnesota Statutes, Chapter 463.

Whereas, the City Council of the City of Minneapolis is empowered to secure vacant buildings in accordance with Minnesota Statutes, Section 463.251; and

Whereas, the Director of Inspections did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of securing abandoned buildings under the authority of the Director of Inspections are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1099 be approved and transmitted to the Hennepin County Property Taxation Department and that the Director of the Hennepin County Taxation Department be directed to place assessments against the specified properties to be paid in a single installment, with interest thereon at eight percent (8%), as set forth in Petn No 264285 on file at the office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Republished January 16, 1999)

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget – Your

Committee recommends that the proper City Officers be authorized to execute Amendment #1 to Contract #11912 with Starmark Northwest Management L.L.C., dba Northwest Athletic Club, to extend the contract for an additional 14-month period (November 1, 1998 through December 31, 1999) to provide health club memberships to all Fire Department sworn personnel. Northwest Athletic Club has agreed to extend said contract at the same membership rate as the initial contract, as more fully set forth in Petn No 264289 on file in the Office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your

Committee recommends that the proper City Officers be authorized to accept the Federal Emergency Management Agency/State and Local Assistance grant award of \$29,266 for fiscal year October 1, 1997 through September 30, 1998. In order to abide by program requirements, the City will commit to provide a required 50% match in the form of Emergency Preparedness personnel costs.

Your Committee further recommends passage of the accompanying Resolution appropriating \$29,266 to the Fire Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-438

By Biernat and Campbell

Amending The 1998 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants – Federal Fund (030-280-2880) by \$29,266 and increasing the Revenue Source (030-280-2880 – Source 3210) by \$29,266.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your

Committee recommends that the proper City Officers be authorized to accept the Fourth Precinct Community Substation Coordinator Grant award of \$139,814 from the State Department of Children, Families and Learning to provide funds to extend the position of Community Volunteer Coordinator for an additional two years, for the recruitment, training and coordination of community volunteers to staff the Lowry/Emerson Police Substation. In addition, said grant supports a substation newsletter promoting neighborhood organizations, community events, positive community news, crime prevention tips, and information about police programs.

Your Committee further recommends passage of the accompanying Resolution appropriating \$139,814 to the Police Department to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.
Approved November 18, 1998. S. Sayles
Belton, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 98R-439
By Biernat and Campbell

**Amending The 1998 General
Appropriation Resolution.**

Resolved by The City Council of The City
of Minneapolis:

That the above-entitled Resolution, as
amended, be further amended by increasing
the appropriation for the Police Department
Agency in the Grants – Federal Fund (030-400-
P400) by \$139,814, and increasing the
Revenue Source (030-400-P400 – Source
3210) by \$139,814.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your
Committee recommends that the proper City
Officers be authorized to submit a grant
application to the Minnesota Department of
Economic Security seeking \$633,350 in federal
Juvenile Accountability Incentive Block Grant
funds to be used in collaboration with Hennepin
County to help reform the Juvenile Justice
System, and to provide greater accountability
for juveniles involved in the Juvenile or
Criminal Justice System. The required local
match from the City, in the amount of
\$70,372.17, will be provided from seizure funds
for a period of one year.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your
Committee recommends that the proper City
Officers be authorized to execute Amendment
#1 to the Grant Agreement with the State of
Minnesota to extend the DRUGFIRE Program
from September 30, 1998 to March 1, 1999.
Said grant enables the Police Department to

hire a staff position to operate the DRUGFIRE
computerized ballistic imaging comparison
system, which will collect, analyze and
compare ballistic cartridge casings to link
criminal cases. Upon completion of grant
funding in 1999, and a positive determination
of the value of the DRUGFIRE Program, the
Police Department will seek continued funding
through the budget process.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your
Committee, having under consideration the
Motor Vehicle Theft Program, now
recommends that the proper City Officers be
authorized to accept the donation of a 1992
Pontiac Firebird from State Farm Mutual
Automobile Insurance Company, valued at
\$8,000, to continue the “bait vehicle” program.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your
Committee recommends acceptance of the
following bids in accordance with City
specifications (Petn No 264291):
a) OP #4948, low bid meeting
specifications submitted by Varian, in the
amount of \$58,824, for furnishing and
delivering an atomic absorption
spectrophotometer for the Health Department;
b) OP #4916, low bid meeting
specifications submitted by Spectra
Corporation, for an estimated expenditure of
\$266,497.50, for furnishing, delivering and
installing a computerized parking ticket
issuance system for the Traffic Control Division
of Regulatory Services.

Your Committee further recommends that
the proper City Officers be authorized to
execute contracts for the above services, in
accordance with City specifications.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW – Your Committee recommends passage of the accompanying Resolution approving special services, the cost estimate, service charges and the list of service charges for 1999 in the Hennepin-Lake Special Service District and directing the City Engineer to proceed with the work.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-440, designating the services, locations and costs for the Hennepin-Lake Special Service District for 1999, was passed November 13, 1998 by the City Council and approved November 18, 1998 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 98R-440

By Mead

Hennepin-Lake Special Service District

Approving special services, the cost estimate, service charges and the list of service charges for 1999 in the Hennepin-Lake Special Service District and directing the City Engineer to proceed with the work.

Whereas, Resolution 98R-396 passed October 16, 1998 designated the services, locations and costs for 1999 in the Hennepin-Lake Special Service District; and

Whereas, a public hearing was held on November 5, 1998 in accordance with Laws of Minnesota, 1985, Chapter 302, Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38, Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28 and Chapter 438 of the Minneapolis Code of Ordinances to consider the proposed special

services, to consider the proposed service charges and the proposed list of service charges on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$66,500 for 1999 and the proposed service charges and the proposed list of service charges for 1999 in the total amount of \$95,762 (amount remaining after adjusting the cost estimate of \$66,500 for previous years' unexpended balances and additional costs as recited in said Resolution 98R-396 passed October 16, 1998 and as provided for in Section 438.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved.

Be It Further Resolved that the service charges be collected in one (1) installment on the 1999 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit a certified copy of said list of service charges to the Hennepin County Auditor.

Be It Further Resolved that the City Engineer is directed to proceed with the work.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage of the accompanying Resolution approving special services, the cost estimate, service charges and the list of service charges for 1999 in the Dinkytown Special Service District and directing the City Engineer to proceed with the work.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-441, designating the services, locations and costs for the Dinkytown Special Service District for 1999, was passed November 13, 1998 by the City Council and approved November 18, 1998 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 98R-441

By Mead

Dinkytown Special Service District

Approving special services, the cost estimate, service charges and the list of service charges for 1999 in the Dinkytown Special Service District and directing the City Engineer to proceed with the work.

Whereas, Resolution 98R-397 passed October 16, 1998 designated the services, locations and costs for 1999 in the Dinkytown Special Service District; and

Whereas, a public hearing was held on November 5, 1998 in accordance with Laws of Minnesota, 1985, Chapter 302, Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38, Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28 and Chapter 444 of the Minneapolis Code of Ordinances to consider the proposed special services, to consider the proposed service charges and the proposed list of service charges on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$57,225 for 1999 and the proposed service charges and the proposed list of service charges for 1999 in the total amount of \$64,900 (amount remaining after adjusting the cost estimate of \$57,225 for previous years' unexpended balances and additional costs as recited in said Resolution 98R-397 passed October 16, 1998 and as provided for in Section 444.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved.

Be It Further Resolved that the service charges be collected in one (1) installment on the 1999 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit a certified copy of said list of service charges to the Hennepin County Auditor.

Be It Further Resolved that the City Engineer is directed to proceed with the work.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage of the accompanying Resolution approving special services, the cost estimate, service charges and the list of service charges for 1999 in the Central Avenue Special Service District and directing the City Engineer to proceed with the work.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-442, designating the services, locations and costs for the Central Avenue Special Service District for 1999, was passed November 13, 1998 by the City Council and approved November 18, 1998 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 98R-442

By Mead

Central Avenue Special Service District

Approving special services, the cost estimate, service charges and the list of service charges for 1999 in the Central Avenue Special Service District and directing the City Engineer to proceed with the work.

Whereas, Resolution 98R-398 passed October 16, 1998 designated the services, locations and costs for 1999 in the Central Avenue Special Service District; and

Whereas, a public hearing was held on November 5, 1998 in accordance with Laws of Minnesota, 1985, Chapter 302, Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38, Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28 and Chapter 446 of the Minneapolis Code of Ordinances to consider the proposed special services, to consider the proposed service charges and the proposed list of service charges on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$38,500 for 1999 and the proposed service charges and the proposed list of service charges for 1999 in the total amount of \$42,887 (amount remaining after adjusting the cost estimate of \$38,500 for previous years' unexpended balances and additional costs as recited in said Resolution 98R-398 passed October 16, 1998 and as provided for in Section 446.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved.

Be It Further Resolved that the service charges be collected in one (1) installment on the 1999 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit a certified copy of said list of service charges to the Hennepin County Auditor.

Be It Further Resolved that the City Engineer is directed to proceed with the work.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage of the accompanying Resolution adopting the special assessments, levying the special assessments and adopting the

assessment roll for the 1998 and 1999 operation and maintenance of the 50th St W and France Av S Parking Facility.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-443, adopting and levying the special assessments and adopting the assessment roll for the 1998 and 1999 operation and maintenance of the 50th St W and France Av S Parking Facility, was passed November 13, 1998 by the City Council and approved November 18, 1998 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 98R-443
By Mead**

**Adopting the special assessments,
levying the special assessments and
adopting the assessment roll for the 1998
and 1999 operation and maintenance of the
50th St W and France Av S Parking Facility.**

Whereas, Resolution 98R-399 passed October 16, 1998 described the operation and maintenance activities and approved a cost estimate of \$10,500 for operation and maintenance (\$5,100 for 1998 + \$5,235 for 1999 + \$165 for under-assessment through December 31, 1997); and

Whereas, a public hearing was held on November 5, 1998 in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429 to consider the operation and maintenance activities, to consider the proposed special assessments as shown on the proposed assessment roll on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments in the total amount of \$10,500 as on file in the Office of the City Clerk be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 1999 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, to whom was referred an ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing, clarifying where parking prohibitions begin near driveways and, having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 98-Or-131

By Mead

Intro & 1st Reading: 10/16/98

Ref to: T&PW

2nd Reading: 11/13/98

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.90 (b) of the above-entitled ordinance be amended to read as follows:

478.90. Prohibited in specified places.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(b) In front of a public or private driveway or alley or within five (5) feet of the end of radius or side slope of any public or private driveway or alley with any street or highway;

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration bids received by the State for Phase 2 of the Priority Vehicle Control System ISTEPA Project, now recommends that the proper City officers be authorized to complete a Clerk/Administrator Certificate to be submitted to the Commissioner of Transportation and that said certificate recommend that a construction contract be awarded to the low responsive bidder, Electrical Installation and Maintenance Company in the amount of \$517,106.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage of the accompanying Resolution adopting the assessment roll for service charges to be imposed for collection in 1999 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-444

By Mead

Adopting the assessment roll for service charges to be imposed for collection in 1999 in the Downtown Special

**Service District for the New Nicollet Mall
(from Washington Av S to 11th St S)
Reconstruction Project.**

Whereas, Resolution 89R-412 passed September 29, 1989 established the annual amount of service charges to be charged to properties in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project to be \$888,191; and

Whereas, refunding bonds were issued in July, 1993 for the New Nicollet Mall Reconstruction Project with the annual amount of service charges to the district being reduced for payable 1994, 1995 and 1996 to \$680,000, said reduced annual amount reflecting the allocated share of the interest savings generated by the said refunding bonds, all as recited in Resolution 93R-430 passed November 12, 1993; and

Whereas, the annual amount of the service charges for payable 1997 through payable 2009 inclusive is to be restored to \$888,191; and

Whereas, the service charges have to be certified to the Hennepin County Auditor on an annual basis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the assessment roll listing the service charges to be imposed for collection in 1999 and the affected properties as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the special assessments for the projects and charges listed below be levied upon the benefited properties for the listed number of successive equal annual principal installments and interest rates (except as otherwise noted hereinafter), that the assessment rolls as prepared by the City Engineer be adopted and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor:

1. Uptown (Hennepin-Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$21,187.71 principal and interest for payable 1999;

2. 1998 Street Renovation Program: Special Improvement of Existing Street Nos 2941 (Regina-Field and 42nd St E), 2943 (Stevens Av S) and 2944 (2nd Av S); \$1,375,313.98 principal; 10 installments for assessments of more than \$100; 1 installment for assessments of \$100 or less; 3.9% interest;

3. 1998 Street Paving Program: Special Improvement of Existing Street No 2898 (Zenith Av S); \$13,937.73 principal; 20 installments for assessments of more than \$100; 1 installment for assessments of \$100 or less; 4.9% interest;

4. Northrop Lane Roadway, Sanitary Sewer and Water Main Project, Special Improvement of Existing Street No 2829; \$156,830 principal; 20 installments for assessments of more than \$100; 1 installment for assessments of \$100 or less; 4.6% interest;

5. 5th St SE (from Malcolm Av SE to the E City Limits) Project, Special Street Acquisition and Improvement No 2978; \$109,000 principal; 20 installments for assessments of more than \$100; 1 installment for assessments of \$100 or less; 4.9% interest;

6. Street Maintenance annual assessment for the taxes of 1998 against non-governmental real property exempt from ad valorem taxes; \$0.45 per front foot; and

7. Street Lighting Operation and Maintenance annual assessment for the taxes of 1998 against non-governmental real property exempt from ad valorem taxes; assessment rates for Street Lighting Districts as listed in Petn No 264293.

Your Committee further recommends that the interest rate be set at 3.9% for Sidewalk Repair and Construction, Snow and Ice Removal from Public Sidewalks and Solid Waste Collection Point Area Cleanup assessments levied in 1998.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration the Public Works Facilities Plan and construction of the Currie Maintenance Facility, now recommends that the City Engineer be directed to prepare and distribute a Request for Proposals seeking testing and inspection services for said project.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 13, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 17, 1998)

T&PW – Your Committee, having under consideration the Hawthorne Transportation Center project and design changes which increased the size of the Greyhound Bus Terminal portion of the project, now recommends that the proper City officers be authorized to amend the Letter of Intent for Lease and License of portions of the Hawthorne Transportation Center with Greyhound Lines, Inc. to reflect the changes recommended by the City Engineer and to approve the amended schematic design (as outlined in Petn No 264293 on file in the Office of the City Clerk).

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage of the accompanying Resolution:

a) Requesting that the Minnesota Department of Transportation participate financially in the “Hennepin/Lyndale Realignment” project through the Municipal Agreement Program; and

b) Expressing a commitment by the City to provide the local share of the costs if said project is selected for inclusion in the Municipal Agreement Program

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-445

By Mead

Requesting the Minnesota Department of Transportation to financially participate in the “Hennepin/Lyndale Realignment” project through the Municipal Agreement Program.

Whereas, the City of Minneapolis wishes to reconstruct the intersection of Hennepin Av, Lyndale Av and Ramp “D” of Trunk Highway 94; and

Whereas, the City of Minneapolis is requesting financial participation in the project from the Minnesota Department of Transportation (MnDOT) through the Municipal Agreement Program; and

Whereas, the City of Minneapolis is committed to providing the local share of the costs if the project is selected as a part of the upcoming Municipal Agreement Program.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis is requesting funding from the Department of Transportation (MnDOT) for the reconstruction of the intersection of Hennepin Av, Lyndale Av and Ramp “D” of Trunk Highway 94 and is committed to providing the local share of such project.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, to whom was referred the following ordinances amending the Minneapolis Code of Ordinances, Title 11 relating to Health and Sanitation and Title 19 relating to Water, Sewers and Sewage Disposal, revising the ordinances to reflect current practices in billing for water, sewer and solid waste, clarifying the definition of the billpayer on accounts, changing the procedure for conducting hearings for disputes, allowing rates to be set by resolution rather than ordinance, and establishing the procedures for conducting hearings for special tax assessments for unpaid charges, and having

held a public hearing thereon, now recommends that the following ordinances be given their second reading for amendment and passage:

- a) Amending Chapter 225 relating to Garbage and Refuse;
- b) Repealing Chapter 509, Articles V through VII, relating to Water;
- c) Amending Chapter 509 by adding new Articles IV through VII, relating to Water;
- d) Amending Chapter 509, Articles VIII through X, relating to Water;
- e) Amending Chapter 511 relating to Sewers and Sewage Disposal.

Your Committee further recommends summary publication of the above-described Ordinances.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinances 98-Or-132 through 98-Or-136 amending the Minneapolis Code of Ordinances, Title 11, Chapter 225 relating to *Health and Sanitation* and Title 19, Chapters 509 and 511 relating to *Water, Sewers and Sewage Disposal*, revising the ordinances to reflect current practices in billing for water, sewer and solid waste, clarifying the definition of the billpayer on accounts, changing the procedure for conducting hearings for disputes, allowing rates to be set by resolution rather than ordinance, and establishing the procedures for conducting hearings for special tax assessments for unpaid charges, was passed November 13, 1998 by the City Council and approved November 18, 1998 by the Mayor. A complete copy of these ordinances are available for public inspection in the office of the City Clerk.

(Republished December 29, 1998)

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 98-Or-132

By Mead

Intro & 1st Reading: 10/2/98

Ref to: T&PW

2nd Reading: 11/13/98

Amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 225.620 of the above-entitled ordinance be amended to read as follows:

225.620. Buildings to be numbered. (a)

Owners, operators, or occupants of buildings containing dwelling units receiving solid waste collection from the city shall affix the street address number of such building in a manner and place in accordance with sections 244.970 and 435.20 that is easily and readily discernible by collection crews.

(b) The city engineer shall provide written notice to the taxpayer and to the utility bill payer of unnumbered buildings that unless numbered as described in paragraph (a) above within fourteen (14) days, the city engineer shall place numbers on the building.

(c) The city engineer shall establish a schedule of charges for services provided in paragraph (b) above based on the cost of materials and providing such service. Service charges shall be added to the utility bill as provided in section 509.870.

Section 2. That Section 225.630 of the above-entitled ordinance be amended to read as follows:

225.630. Service charges for solid waste management. (a)

~~There shall be a variable rate billing system for solid waste management services consisting of a base unit charge and a per cart disposal charge. The base unit charge shall be in the net amount of nineteen dollars (\$19.00) per dwelling unit per month and four dollars and seventy-five cents (\$4.75) per rooming unit (as defined in section 244.40 of this Code) per month for solid waste management services provided to buildings by the city engineer pursuant to section 225.600 of this Code. Units whose occupants are participating in the city's recycling program as a qualified participating household under the program shall receive a reduction of seven dollars (\$7.00) per month. The number of~~

dwelling units and rooming units in a building shall be determined on the basis of the department of inspections dwelling registration records or, if such are not current or in the opinion of the city engineer are in error, then on the basis of any other city records deemed to be reliable by the city engineer. Homesteaded duplexes and triplexes that use one (1) mobile refuse container (MRC) and have a valid rental dwelling license exemption from the department of inspections shall be charged as a single dwelling unit. The city engineer may determine the amount of waste being generated by these dwellings occupants. The city engineer shall only allocate a single MRC to a homesteaded duplex or triplex if it is sufficient to contain the waste generated by the dwellings occupants. Solid waste service charges shall begin to accrue as of the date when the mobile refuse container(s) are delivered to the property. Service charges shall cease to accrue when either water service is turned off at the street valve serving the property by the city's water department or when determined by the city engineer. The charges for solid waste management services shall constitute a charge against the premises from which solid waste collection is made or available to be made and against the owner, lessee or occupant thereof and all of them.

(b) There shall be a monthly disposal charge based on the type and number of carts allocated by the city engineer to each dwelling unit for processing and disposal of solid wastes. The net amount of these cart charges, per dwelling unit, shall be two dollars (\$2.00) for a small cart, four dollars (\$4.00) for a standard cart, six dollars (\$6.00) for two (2) standard carts and eight dollars (\$8.00) for three (3) standard carts; provided, however, that no building with two (2) or more dwelling units may be allocated one (1) or more small carts.

Variable rate billing system. There shall be a variable rate billing system for solid waste management services consisting of a base unit charge, a per cart disposal charge, and a recycling reduction. The base unit charge, cart disposal charge, and recycling reduction shall be set by city council resolution to be effective beginning on January 1, 1999, and as revised thereafter.

Section 3. That Chapter 225 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 225.635 to read as follows:

225.635. Variable rate billing system charges through December 31, 1998. For variable rate charges associated with water meter read dates from and after January 1, 1998, the charges shall be as follows:

(a) The base unit charge shall be in the net amount of nineteen dollars (\$19.00). Units whose occupants qualify as participating in the city's recycling program shall receive a reduction of seven dollars (\$7.00).

(b) The cart disposal charge shall be two dollars (\$2.00) for a small cart, four dollars (\$4.00) for a standard cart, six dollars (\$6.00) for two (2) standard carts, and eight dollars (\$8.00) for three (3) standard carts.

This section shall be rescinded on midnight of December 31, 1998.

Section 4. That Section 225.640 of the above-entitled ordinance be amended to read as follows:

225.640. Billing. The city engineer shall send to the owner of the premises from which solid waste collections are made or to the "customer" responsible for payment of the water bill (as defined in section 509.1031 of this Code) if such person is not the owner, a notice of the solid waste disposal charges that are due, at the same times and intervals, in the same manner and together with, the water and sewer billings for the same premises as provided in sections 509.600, 509.610 and 509.1035 of this Code. In the event that any bill is for a partial month, such bill shall be prorated on the basis that there are thirty (30) days in a month.

For solid waste management services provided to building by the city engineer pursuant to section 225.600 of this Code:

(a) There shall be one (1) base unit charge per dwelling unit per month. A dwelling unit whose occupants qualify as participating in the city's recycling program shall receive one (1) recycling reduction per month. For solid waste billing purposes, a rooming unit (as defined in section 244.40 of this Code) is equivalent to one fourth (¼) of a dwelling unit.

(b) The number of dwelling units and rooming units in a building shall be determined on the basis of the department of inspections dwelling registration records or, if such are not current or in the opinion of the city engineer are in error, then on the basis of any other city records deemed to be reliable by the city engineer. Homesteaded duplexes and triplexes that use one (1) mobile refuse container (MRC) and have a valid rental dwelling license exemption from the department of inspections shall be charged as a single dwelling unit. The city engineer may determine the amount of waste being generated by these dwelling occupants. The city engineer shall only allocate a single MRC to a homesteaded duplex or triplex if it is sufficient to contain the waste generated by the dwelling occupants.

(c) There shall be one cart disposal charge per cart per month.

(d) Base unit charges and disposal charges shall begin to accrue as of the date when the mobile refuse container(s) are delivered to the property or the date that solid waste service began, if service commenced before mobile refuse container(s) were delivered to the property. Base unit charges and cart disposal charges shall cease to accrue when either water service is turned off at the street valve serving the property by the city's water department or when determined by the city engineer.

(e) Base unit charges, recycling reductions, and cart disposal charges shall be added to the utility bill as provided in section 509.870.

Section 5. That Section 225.650 of the above-entitled ordinance be and is hereby repealed.

225.650. Payment of bill. There shall be a gross solid waste management services charge equal to one hundred and five (105) percent of the net solid waste management services charge and each bill shall show the gross and net amounts thereof. All bills paid before the expiration of twenty (20) days after the deposit thereof in the post office shall be the net amount thereof, and all bills paid after the expiration of said twenty-day period shall be the gross amount thereof; provided, however, that the city engineer may accept, after the twenty-day period, the net amount in full

payment on satisfactory evidence that the delay in payment was due to circumstances over which the owner, lessee or occupant had no control. In the event that there shall be made a partial payment of said combined solid waste, water and sewer bill, said payment shall be credited first against any solid waste charge then due and the balance of said payment shall then be credited against any water and sewer charges then due. The provisions of sections 509.1035 through 509.1042 of this Code relating to discontinuance of water service, late payment charges, deferred payment agreements and complaint procedures, including appeal and hearing procedures, shall be applicable to bills for solid waste services.

Section 6. That Section 225.660 of the above-entitled ordinance be amended to read as follows:

225.660. Assessment of delinquent solid waste charges not added to the utility bill. All solid waste charges which have not been paid within twenty (20) days after the bill has been sent shall be considered delinquent and may thereafter be assessed against the property served and certified to the Hennepin County Auditor for collection as other taxes are collected using the special assessments process in section 509.1080. Prior to such certification, however, a public hearing shall be held by the city council with respect thereto. Notice of such public hearing shall be given in the city's official newspaper not less than three (3) days prior to such hearing. Not less than ten (10) days prior to the hearing, notice shall be mailed to the owner of the premises to be assessed. For the purpose of giving such notice, the owner shall be the person listed on the records of the county auditor as the owner. The notice of public hearing shall include the following:

(a) A statement that all interested persons will be given an opportunity to be heard at the hearing.

(b) The amount of the solid waste charge to be assessed against the premises.

(c) A statement that the owner may appeal the assessment of the solid waste charge to the Hennepin County District Court as specified herein.

Within thirty (30) days after the adoption of the assessment, the owner may

appeal to the Hennepin County District Court by serving a notice of appeal upon the mayor or city clerk; provided however that no appeal may be taken unless the person appealing shall have filed a signed, written, objection with the city clerk prior to the assessment hearing or shall have presented it to the presiding officer at the hearing, unless a reasonable cause shall exist for such person's failure to do so.

Section 7. That Section 225.670 of the above-entitled ordinance be amended to read as follows:

225.670. Solid waste collection point (SWCP). (4) (a) Every lot containing dwelling units, rooming units, and shared bath units shall provide a solid waste collection point (SWCP), to facilitate the temporary storage and collection of solid waste placed in mobile refuse containers (MRC), and yard waste and recyclable materials stored in appropriate containers, as follows:

(a) (b) The SWCP shall be established at or near the alley line, at or near the front curb line adjacent to the driveway curb cut or as otherwise determined by the city engineer who will also determine the appropriate method of collection of solid waste from such SWCP.

(b) The owner, operator, or occupant of a dwelling receiving city solid waste collection shall ensure that the designated SWCP is free from any obstruction from 6:00 a.m. to 12:00 noon on the designated day of collection.

(c) Persons who have a disability which would otherwise prevent compliance may apply to the city engineer for a temporary and/or permanent exemption from the requirements of this section bringing the MRC to the curb or alley may apply to the city engineer for a SWCP that is off the alley line or curb line.

(d) Penalty. A violation of the provisions of this section shall be punished as a petty misdemeanor.

Section 8. That Section 225.680 of the above-entitled ordinance be amended to read as follows:

225.680. Storage of solid waste, yard waste and recyclable materials. (a) Every dwelling unit, rooming unit and shared bath unit shall be provided with an adequate number of serviceable mobile refuse containers (MRC) at

the expense of the property owner utility bill payer as required by the city engineer to hold solid waste accumulated by such units until collected for disposal.

(b) Every MRC, and every other container required or approved by the city engineer to temporarily store solid waste, yard waste and recyclable materials shall be placed upon the required solid waste collection point (SWCP) by 6:00 a.m. on the designated day of collection. For properties with an SWCP located at or near the front curb line, every MRC and other required or approved container:

(1) Shall not be placed at the SWCP before 7:00 a.m. on the day before the designated day of collection.

(2) sShall be removed by 7:00 a.m. on the day after the designated day of collection and not otherwise be stored in areas of the front yard visible from the front curb line, unless otherwise exempted by the SWCP has been established under section 225.670(a) (c).

(c) Notwithstanding the requirements of Chapter 445 of this Code, accumulations of snow and ice in excess of two (2) inches must be removed by the property owner from the SWCP and a thirty-six (36) inch wide travel path to the alley or street provided, to allow for timely pickup on the designated day of collection.

(d) All solid waste must be wrapped or bagged prior to being placed into the mobile refuse container (MRC). In no event shall loose refuse be placed at any time by any person into the MRC. Unless otherwise authorized by the city engineer, it is unlawful to place toxic or hazardous waste, household batteries, flammable liquids, solvents, paints, building debris, or hot ashes into any MRC. All yard waste and recyclable materials shall be placed in appropriate containers as required and approved by the city engineer.

(e) ~~Persons who have a disability which would otherwise prevent compliance may apply to the city engineer for a temporary and/or permanent exemption from the requirements of this section~~ The designated SWCP must be free from any obstruction from 6:00 a.m. to 3:00 p.m. on the designated day of collection.

(f) ~~Penalty; service charge.~~

~~(1) A violation of the provisions of this section shall be punished as a petty misdemeanor.~~

(2) A service charge shall be imposed when the city engineer performs the duties of nonexempt persons who violate subsection (b), (c), ~~or~~, (d), or (e). The city engineer shall determine the cost of compliance for any such violation ~~which shall be assessed as a service charge against the property and collected as provided in sections 225.630 through 225.660 providing such service. Service charges shall be added to the utility bill as provided in section 509.870.~~

Section 9. That Section 225.690 of the above-entitled ordinance be amended to read as follows:

225.690. Solid waste collection outside of refuse containers; charges. (a) ~~All private haulers under contract with the city and city~~ City haulers of solid waste in the city shall collect, gather-up and haul all solid waste, building or demolition debris, tires, or yard waste lying within a radius of twenty (20) feet of the solid waste collection point. The radius shall be applied only within the boundaries of the property on which collection takes place. If solid waste lies in a continuous pile within and outside the area circumscribed by the radius line, haulers shall proceed beyond the radius line to collect and gather-up solid waste. Under regulations drafted by the city engineer, time limitations and charges may be established for the collection under this section.

(b) With respect to each instance in which ~~private and public~~ haulers are required to collect, gather-up and haul solid waste under paragraph (a) above, written notice shall be provided to any person or persons requiring such service that all future collections, gathering-up and hauling required for health, safety and welfare purposes, shall be done at the expense of the ~~person or persons responsible for payment of the service in the manner and as provided under section 225.640~~ utility bill payer.

(c) The city engineer shall establish a schedule of service charges and procedures for services provided under paragraph (a), which shall reasonably relate to the additional cost of the service required. Service charges shall be:

(1) Added to the utility bill as provided in section 509.870; or

(2) Added to the account of a previous utility bill payer if the city engineer determines

that a previous utility bill payer is responsible for the solid waste which was gathered up; or

(3) Billed to the taxpayer if there is information or materials in the solid waste which was gathered up that reasonably indicates the utility bill payer was not the source of the solid waste. The decision to bill the taxpayer will be made on a case by case basis, and nothing herein shall require the city engineer to bill the taxpayer.

(d) If any bill in paragraph (c) (3) for additional service is delinquent it may be assessed against the property served in the manner and under the provisions of section 225.660.

Section 10. That Section 225.810 of the above-entitled ordinance be amended to read as follows:

225.810. Penalty. Any building owner or operator who fails, omits, neglects, or refuses to comply with the provisions of section 225.780 or 225.790, shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense within twelve (12) months and not less than one hundred dollars (\$100.00) nor more than seven hundred dollars (\$700.00) for the third and any subsequent violation within any twelve-month period. Any and all violations in a ~~forty-five day period~~ each calendar month shall constitute one separate offense. ~~For the purposes of this provision a forty-five day period shall consist of eight (8) half-quarter segments running as follows: January 1 to February 15; February 16 to March 31; April 1 to May 15; May 16 to June 30; July 1 to August 15; August 16 to September 30; October 1 to November 15; November 16 to December 31.~~ Fines which are collected by the city treasurer for noncompliance with any and all provisions of this article shall be designated for use by the department of public works for the purposes of promoting recycling awareness, education, and the improvement of services.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 98-Or-133
By Mead**

**Intro & 1st Reading: 10/2/98
Ref to: T&PW
2nd Reading: 11/13/98**

Repealing Chapter 509, Articles V through VII, of Title 19 of the Minneapolis Code of Ordinances relating to Water Sewers and Sewage Disposal: Water.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Articles V through VII of the above-entitled ordinance be and are hereby repealed.

ARTICLE V. METERS GENERALLY

509.740. Superintendent may require.

The superintendent of the waterworks shall cause water meters to be placed on all premises by the owner or owners thereof, where in his judgment they should be placed; and upon failure of any owner to place water meter or meters on his premises when notified to do so by the said superintendent, the water shall be turned off from such premises and not turned on again until such meter or meters shall be placed as required.

509.750. Interference with. No person not authorized by the department shall connect, or disconnect, or take apart, or in any manner change, or permit to be changed, or interfere with the action or regulation of a water meter. Violation of this section shall subject the property owner to a fee of two hundred dollars (\$200.00). Violation may also result in the discontinuance of water service either by turning off the water at the stop box or by severing the service at the water main if the stop box is inoperable. Should water service be discontinued, reestablishment shall not be made until:

- (1) All outstanding bills for water service are paid in full;
- (2) All charges for discontinuance of water service are paid;
- (3) All charges for reinstitution of water service are paid; and

- (4) All costs for repair or replacement of the faulty water meter are paid.

509.760. Setting and maintenance. Any consumer may have an approved meter put in upon payment of the cost of such meter; and whenever thereafter said meter shall become obstructed or out of order, the said superintendent shall cause the same to be opened, cleared and put in order. If new parts to said meter are required, the superintendent shall cause such parts to be supplied and such repairs shall be made upon being paid for by the consumer.

509.770. Placement at city expense. The superintendent may at any time place a meter at the expense of the water department to ascertain the amount of water used by any person; and the superintendent shall do so whenever directed by the committee responsible for supervision of the waterworks.

509.780. Testing. Any person desiring to have their meter tested by the waterworks department may have such test made upon paying into the city treasury an amount to cover removing, transporting, testing, and replacement of the meter plus an amount for sewer and water service during the absence of the meter from the meter installation in the building.

These costs shall be established and kept current by the director of the waterworks and a current schedule of said costs shall be posted in the water department.

If the meter is found to read a greater amount than the accuracy tolerance of three (3) percent, the costs associated with the meter testing shall be refunded and the bills associated with the error in calibration of the meter shall be adjusted for a period of three (3) years prior to the testing of the meter.

509.790. Manner of setting. Meter installations shall be made in such a manner that the meter, couplings and valves will not be subjected to immersion by ordinary back flooding of house drainage over basement floors. Each meter shall have a stop and waste valve before the inlet and shut-off valve at the outlet.

509.800. Meter setting devices. Meter setting devices for five-eighths-inch, three-fourths-inch and one-inch meters shall be of copper or noncorrodible metal pipe or tubing from the terminus of the service pipe up to and including the house side valve and shall be subject to the approval of the city engineer.

509.810. Location of; specifications for installations. All meters shall be set at the nearest practicable location to the point where the service pipe enters the building; and shall be set in such a manner as to be easily accessible for reading, removal and resetting. No service pipe within a building ahead of a water meter shall be concealed, except that it may be run a reasonable distance beneath the lowest floor in the building. All meters shall be set in accordance with the following:

DISPLACEMENT-TYPE METERS
Height of Center Line
of Inlet and Outlet
Piping Above Floor

Size (inches)	Minimum (inches)	Maximum of Meter	Laying Length Face to Face (inches)
5/8	12	36	7 1/2
3/4	12	36	9
1	12	36	10 3/4
1 1/2	33/4	24	13
2	31/2	24	17

COMPOUND-TYPE METERS
Height of Center
Line of Inlet
and Outlet Piping
Above Floor
=====

Size (inches)	Mini- mum (inches)	Maxi- mum (inches)	Meter Length (inches)	Mini- mum Spool Each End (inches)	Mini- mum Face to Face Between Gates (inches)
2	5 1/2	24	*	6	*
3	8 1/2	24	24	6	36
4	9	24	29	8	45
6	11 3/4	24	36 1/2	8	52 1/2

* Laying length of two-inch compound meters shall be specified by the city waterworks meter shop in each case.

Laying length of compound-type meters shall include a spool at each end of the meter of the same size as the meter and of the minimum length specified above.

Compound meters shall be at least six (6) inches from wall in all directions.

Setting instructions for all sizes larger than six (6) inches or for special meters shall be secured from the water department.

Meters size up to and including one inch shall be supported by the inlet and outlet piping. All other meters shall be securely shimmed up to alignment with brass or bronze shims. In order that meters may be removed and replaced by meters of a different manufacturer, the floor beneath the meter shall be left flat and smooth. Couplings and valves shall not be subjected to immersion by ordinary back flooding of the building drainage. All meters shall have a one hundred twenty-five (125) pound pressure rated valve before the inlet and a one hundred twenty-five (125) pound pressure rated shutoff valve at the outlet of the meter, except that bypass meters on fire line detector checks shall have one hundred twenty-five (125) pound pressure rated valve at the inlet and a one hundred twenty-five (125) pound pressure rated swing check valve at the outlet of the bypass meter.

Meter valves shall be gate valves meeting federal specification WW-V-54D (latest revision) or ball valves meeting federal specification WW-V-35B (latest revision) having a full port opening that is the same diameter as the inside pipe diameter or approved equal.

All meters shall be valved at the inlet and at the outlet of the meter in such a manner that the meter may be easily removed. No bypass shall be installed around a water meter without specific permission in writing from the waterworks engineer. Where meter setting heights must be higher than the minimum listed for 1 1/2-inch and larger meters, to ensure protection from immersion from backflooding, there shall be constructed an elevated pier to support the meter, but the pier must be flat across the top and the inlet and outlet piping elevations as shown must be above the top of the pier and the meters must be shimmed up for support in the same manner as if they were on the floor.

Whenever a condition exists that prevents the reading, removal or setting of a water meter, the person or persons whose name appears on the current waterworks department billing records shall be mailed a notice to correct such conditions. Unless the condition is corrected within fifteen (15) days the waterworks engineer shall cause the water to be disconnected in the street and the water to remain disconnected until the condition is corrected and the waterworks disconnection fees and costs are paid.

Whenever a water service to a building is replaced, the water meter shall be installed in accordance with the provisions of this article.

509.820. Charge for meter permits and inspection. For each meter permit and inspection of the setting, there shall be charged and collected the sum of five dollars (\$5.00) to be paid for at the time of making application.

509.830. Charges when meter not owned by city. On all meters not owned by the city there shall be charged for inspection, repairs and parts the actual cost of such inspection, repair and parts plus the cost of labor at the current hourly wage rate, the cost of transportation, if any, plus an additional ten (10) per cent of the total of all such items, which shall be an overhead charge.

509.840. Exemptions for meters owned by city. Sections 509.770, 509.780 and 509.820 shall not apply to meters owned by the city.

ARTICLE VI. OWNERSHIP OF METERS

509.870. Definition. As used in this article, the word "meter" shall include a metering or measuring device connected to and an integral part of the water system of the city for the purpose of measuring the amount of water delivered from the city water main to any private premises, buildings or structures in the city, but not including fire detector check meters and private meters owned and installed by the owner or occupant of any premises for the owner's or occupant's own use and benefit.

509.880. City will assume ownership. Upon the written consent of the owner of any meter, the city will assume the exclusive ownership of such meter upon the terms and conditions contained in this article.

509.890. Transfer of title. Any owner of a meter may make, execute and deliver to the city, through the city engineer, a statement in writing upon a form to be prepared by the city engineer transferring title of said meter to the city. From and after the date of the transfer of the title of said meter to the city, the city will be the exclusive owner of said meter.

509.900. City to maintain and replace. From and after the date of the transfer of the meter, the city will, at its own expense, keep said meter in good and efficient operating condition and will at its sole expense make all necessary repairs and adjustments in said meter, except such repairs as are made necessary by willful damage or negligence of the user or owner. Should any such meter become so damaged or out of condition that it may not be economically repaired, the city, at its sole expense, will replace such meter.

509.910. City will furnish new meters. At all places in the city where there is no water meter, the city will furnish, at its own expense, a water meter, upon the consent of the owner of the premises evidenced in writing.

509.920. Private owners to pay costs. In all instances where the ownership of a meter is not transferred to the city, the cost of removal, repair or replacement of such meter will be at the expense of the owner of the premises.

ARTICLE VII. TURNING WATER ON AND OFF

509.950. Shut-off for misuse or nonpayment. If any consumer shall supply or allow others to take water except by written permission of the superintendent of the waterworks, or permit any waste of water, or any use of water for which the proper rate has not been paid, or shall refuse or neglect to pay the rates for all water used by such consumer to the superintendent of the waterworks at his office within twenty (20) days after it shall be due, the water shall be immediately turned off, and any water rent already paid shall be forfeited.

509.960. Full payment required to restore water. In all cases where water has been turned off for nonpayment of water rent, or for violation of Articles I and IV through VIII of this chapter, it shall not be turned on again until payment is made in full of the several amounts of charges for turning off and on, and the expenses for digging necessary to turn off, and fines imposed by the superintendent of the waterworks and all water rents and repair charges that may be due.

509.970. Permit required to turn on; house number to be displayed. No plumber shall turn on any water supply at the stop box without a permit from the superintendent of the waterworks, and no permit will be issued unless the house number, as given by the city engineer, is prominently displayed, and the waterworks department reserves the right to turn off any water supply if said number is not displayed after written notice has been sent to the owner as appearing on its books.

509.980. Charges. The charges for turning off and on water shall be ten dollars (\$10.00) each.

509.990. Not to be turned off on weekends. Water shall not be turned off from any service pipe between the hours of 9:00 a.m. on Saturdays and 9:00 a.m. on Mondays.

509.1000. Discontinuance at request of consumer. All persons taking water who shall desire to discontinue the use of the same, shall give written notice to the superintendent of the waterworks at least thirty (30) days previous to the expiration of the time for which payment has been made; otherwise they will be liable for water rent for the next billing period.

509.1010. Abatements. No abatements for water rent shall be allowed by reason of removal from premises, disuse or diminished use of water, or vacancy of premises, unless notice is given at the time of such removal or disuse to the superintendent of the waterworks.

509.1020. Shut-off as additional penalty. The penalty for violation of any of the provisions of Articles I and IV through VIII of this chapter, or any rules of the department, in addition to a fine, will be the prompt stoppage of the water supply, and it will not be restored except upon payment of expenses incurred in shutting off and turning on the water, and a satisfactory understanding with the party that no future cause for complaint shall arise.

509.1030. Administrative procedure for water shut-off. No person shall be deprived of water service except pursuant to the following administrative procedures:

509.1031. Definitions. (a) *Applicant* means an individual, firm, corporation, cooperative, association, or agency who requests water and sewer from the department.

(b) *Customer* means an individual, firm, corporation, cooperative, association, or agency who is contractually obligated to pay for the water bill.

(c) *Department* means the waterworks division of the Minneapolis Department of Public Works.

(d) *Person* means an individual, firm, corporation, cooperative, association, or agency.

509.1032. Customer information. At the time an applicant applies for service and at least once every twelve (12) months thereafter, the department shall inform each applicant or customer that a copy of the ordinances and department policies pertaining to water services and shut-offs is available for their review at the offices of the department.

509.1033. Right to service. Upon written request by a person, the department shall supply water and sewer service unless the customer does not meet any written department credit policy adopted in accordance with applicable law.

The department shall not deny or terminate water and sewer service to an applicant or customer because of a delinquent account owed or incurred by a prior customer at the service address.

509.1034. Meter reading. (a) *Meter reading requirements.* Readings of all meters used for determining charges shall be attempted at least once every billing period. When the department is unable to gain access to a meter, it shall leave a meter reading form for the customer in a conspicuous location on the premises.

(b) *Meter reading forms.* The department may permit a customer to supply meter readings on a form supplied by the department, but the department must read the meter at least once every twelve (12) months, and must read the meter when there is a change in customers and when requested by a customer. This form should advise the customer of the Department's responsibilities to read the meter.

~~(c) *Estimated bills.* When access to a meter cannot be gained and the customer fails to supply a meter reading form in time for the billing operations, an estimated bill shall be rendered. If a customer returns a meter reading form, but it appears to the department there is an error in the reading, the department shall make an attempt to contact the customer to explain the situation and assist the customer in making correct future readings of the meter. Following that, the department may estimate the bill if necessary. Estimated bills shall be based on the property's consumption history. If the department cannot, after reasonable attempts to gain access, read the meter within the twelve-month period, the department may notify the customer that, if the customer does not make arrangements within ten (10) calendar days from the mailing of the notice to allow the department to read the meter, the department will terminate water and sewer service to that customer.~~

509.1035. Bills. ~~(a) *Basis of bill.* The department shall base the bill upon an actual meter reading except as provided in section 509.1034. Only those charges authorized by state law, the City Charter, or Minneapolis Code of Ordinances, or by the consent of the customer shall be billed.~~

~~(b) *Billing information.* An initial bill shall state clearly:~~

- ~~(1) The beginning and ending meter reading of the current billing period;~~
- ~~(2) The dates of meter readings;~~
- ~~(3) Whether the charges are based on actual or estimated consumption;~~
- ~~(4) The date by which payment in full must be made in order to prevent the account from becoming delinquent;~~
- ~~(5) Any connection or reconnection charge;~~
- ~~(6) Any charge remaining unpaid;~~
- ~~(7) Any new charge for water and sewer service during the current billing period;~~
- ~~(8) The total balance on the date of preparation of the bill;~~
- ~~(9) The net amount due and the gross amount due.~~

~~(c) *Customer protection notices.*~~

- ~~(1) Right to dispute bill. A notice of discontinuance of service shall contain a specific address and phone number of the department and shall inform the customer of a right to dispute the bill, to have it explained, and to have a hearing before an impartial hearing officer.~~
- ~~(2) The department shall keep an accurate record of all persons to whom bills or notices of discontinuance are sent.~~
- ~~(3) The procedures for resolving a customer dispute shall be those set forth in section 509.1040 and 509.1041.~~

509.1036. Payment of bills. ~~(a) *Payment date.* A customer shall pay a bill on or before the twentieth day after notice has been sent.~~

~~(b) *Computation of payment period.* If a customer disputes actual receipt of a bill, the customer may complain to the department. If the dispute is not resolved the customer may demand a hearing under section 509.1040. If the date for payment is a date when the offices of the department regularly used for payment of customer bills are closed to the general public, the date of payment shall be the next business day.~~

~~(c) *Late payment charges.* Late payment charges shall not accrue on a disputed amount, if the dispute is ultimately decided in favor of the customer.~~

509.1037. Discontinuance of service. ~~(a) *Limitation on discontinuance.*~~

~~(1) The department shall not discontinue service to a customer because of the failure of the customer to pay a charge owed or incurred by a prior customer at the same service address.~~

- (2) ~~No customer's water or sewer service shall be terminated by the department while there is a timely complaint of fact under investigation or on appeal pursuant to this chapter provided amounts not in dispute are paid.~~

~~(b) *Discontinuance notice.* Except as provided in this chapter, the department shall not discontinue service unless at least ten (10) calendar days prior to the date of the proposed discontinuance, the department sends a written notice to the customer by first class mail or by personal service. The department shall keep an accurate record of the date of mailing or personal service of a discontinuance notice.~~

~~(c) *Discontinuance; form of notice.* A notice of discontinuance of service shall contain the following information:~~

- ~~(1) The name and address of the customer if known to the department;~~
- ~~(2) A clear and concise statement of reasons for the proposed discontinuance of service;~~
- ~~(3) The date on or after which service will be discontinued unless the customer acts to prevent discontinuance;~~
- ~~(4) A description of the appropriate action the customer must take to prevent discontinuance;~~
- ~~(5) The right to dispute the discontinuance before an impartial hearing officer, and that no customer's water or sewer service shall be terminated by the department while there is a timely complaint under investigation or on appeal pursuant to this chapter;~~
- ~~(6) A statement that if service is discontinued, the customer shall be required to pay, as a condition of restoration of service, the delinquent account and a specified charge for restoration of service.~~

509.1038. Third party responsibility. Upon request, the department shall make a third party the responsible party for payment of service, for notification of a discontinuance of service, and for notification of a right to a hearing under this chapter.

509.1039. Deferred payments. (a) *Notice.* If a customer claims inability to pay a bill in full, the department shall inform the customer of the department's policies with respect to deferred payment agreements. A deferred payment agreement shall be in writing and signed by the customer or the customer's representative and by a department representative authorized to enter into the agreement.

~~(b) *Deferred payment agreements.* The department shall make available to any qualifying customer a deferred payment agreement. In deciding whether to offer a customer a deferred payment agreement and in determining the length of any such agreement the department shall consider:~~

- ~~(1) The size of the account;~~
- ~~(2) The customer's ability to pay;~~
- ~~(3) The customer's payment history;~~
- ~~(4) The time the debt has been outstanding;~~
- ~~(5) The reasons why the debt has been outstanding; and~~
- ~~(6) Other relevant factors concerning the circumstances of the customer.~~

~~(c) *Terms of agreement.* If the department and the customer decide to enter into a deferred payment agreement, the agreement shall provide for payment of future bills for current consumption as they fall due.~~

~~(d) *Discontinuance for nonpayment.* The department may discontinue service to a customer if the customer fails to comply with the terms and conditions of a deferred payment agreement. The department shall not discontinue service under this paragraph except as provided in section 509.1037.~~

509.1040. Complaint procedures. (a) *Complaints.* A customer or applicant may notify the department of any complaint or dispute in writing, by telephone or in person.

(b) *Investigation.* The department shall investigate the complaint promptly and shall make a substantial effort to resolve it. The department shall notify the customer or applicant in writing of the results of its investigation and of its decision within fourteen (14) days of receipt of the complaint.

(c) *Appeal.* The written decision of the department shall inform the customer or applicant of a right to appeal the decision within ten (10) calendar days of the date of the postmark to an impartial hearing officer as provided in section 509.1041 and shall inform the customer or applicant of an address and phone number where appeals may be made, and that a customer or applicant is entitled to only one hearing on the same dispute.

509.1041. Administrative procedures. (a) The city engineer shall designate one or more hearing officers from among the managerial, administrative, or professional level employees of the public works department other than the waterworks department. Such hearing officers shall render decisions on matters before them in an impartial manner. Such decisions shall be binding on the department.

(b) The department shall schedule all hearings at a time to be designated by the hearing officer on a regular basis. The hearing shall be scheduled in the court house or Hennepin County Government Center or a similarly convenient location.

(c) The department shall furnish to the hearing officer and to the customer or applicant a written explanation of its position and supporting documentation at least three (3) calendar days prior to a scheduled hearing.

(d) At any hearing under this chapter:

(1) The customer or applicant may appear in person or through a representative of his/her choice.

(2) The parties may present evidence, testimony, and oral and written argument, and they may cross-examine each witness appearing on behalf of the other party.

(3) The hearing shall be tape recorded.

(4) The rules of evidence shall not apply. However, only reasonably relevant evidence shall be received and considered.

(5) *Burden of proof.* The department bears the burden of proving that a reason for discontinuance exists.

(e) Following the hearing, the hearing officer shall prepare in writing, a statement of the department's position, the customer's or applicant's position, findings of fact, a decision, and reasons therefor. The hearing officer's decision shall be based upon competent evidence in the record.

(f) The hearing officer's decision shall be mailed promptly to the customer or applicant and department and shall contain a notice that if the customer or applicant is not satisfied with the decision, the customer or applicant may appeal it within ten (10) calendar days from the postmark date to the city engineer.

(g) An appeal to the city engineer shall be in writing and shall state the reasons for the request.

(h) Upon receipt of a timely appeal, the city engineer or his/her deputy shall promptly review the decision of the hearing officer and the documents in the file and send his or her decision in writing to the customer or applicant. This decision shall be final. However, no customer's or applicant's water shall be shut off until ten (10) calendar days from the date a final written decision is mailed to the customer or applicant. A customer or applicant who disagrees with his decision may thereafter seek any judicial remedy provided by law.

(i) The hearing officer may propose a settlement at any time which if accepted by the parties shall be reduced to writing and made a part of the record. The city engineer may reach a settlement with the customer which shall be reduced to writing and made a part of the record.

509.1042. Discontinuance of service to accounts affecting tenants. (a) Landlord-tenant rule. In situations where the department has reason to believe that a landlord-tenant relationship exists and that the landlord is the customer of the utility; and where the landlord as customer would otherwise be subject to disconnection of service; this section shall apply:

(b) Rights upon discontinuance. When the department proposes to discontinue service at a residence at which it has reason to believe a landlord-tenant relationship exists and where the landlord is required by law or contract to pay for the service and has failed to do so, the tenant or a group of tenants may pay the department to have the service reconnected and/or continued as provided for in section 244.590 of this Code. The tenant or group of tenants may consider the payment to be a payment of rent as provided for in Minnesota Statutes, Section 504.185, Subd. 2 and other law.

(c) Tenant's right to account information. The department shall make available to any requesting tenant or his/her representative the water service account of the building which has been posted pursuant to this section.

(d) Ownership status. An applicant or customer shall provide the department, at its request, with information enabling it to determine the ownership status of the premises to which water and sewer service is proposed to be or is being provided.

(e) Notice to tenants. Where the department provides service to a resident with an address which is different than that of the customer paying the charges for service to such residence, or where the department has other reason to know that a landlord has contracted to be responsible for the utility account at a residence occupied by tenants; or where the premises where service is rendered are a duplex or other multiple dwelling, and where the department proposes to discontinue service at such residence for nonpayment of outstanding charges or for any other reason, the department shall do the following:

(1) The department shall post in a conspicuous place on or near the front and rear entrances of the premises where service is rendered a notice of intent to discontinue service;

(2) Said notice shall be posted not less than thirty-one (31) calendar days prior to the date upon which the department proposes to terminate service;

(3) Copies of said notice shall, at the same time, also be delivered personally or sent by first class mail to the occupants of the address where service is rendered and shall be mailed to the landlord customer at his billing address;

(4) Such notice by first class mail shall be enclosed in an envelope on which is printed in a conspicuous manner and place a notice that the envelope contains important information about the consumer's water service.

(f) *Contents of notice.* The notices required pursuant to paragraph (e) of this section shall be as provided in section 509.1037(e) of this chapter and shall include a "Customer Protection Notice" as provided in section 509.1035(e) of this chapter.

(g) *Tenant's right to continuance of service.* The posted notice required under this section shall also contain the following information:

(1) That the tenant has the right to avoid discontinuance of service by making the payment for the services as provided in section 244.590 of this Code.

(2) That should the tenant elect to pay for the service, he/she may make rent payments directly to the department, and that any such payment shall be considered a reduction of rent owed by the tenant.

(3) That it is unlawful for a landlord to retaliate against a tenant who exercises his/her rights under this section.

(4) That the tenant may have additional legal claims against his/her landlord based upon the landlord's failure to pay charges for water service, and should seek competent legal advice and assistance.

(h) *Removal of notice.* No person shall deface or remove any notice posted by the department pursuant to this section. Such notice shall be removed only by the department or with its consent.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998. J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 98-Or-134

By Mead

Intro & 1st Reading: 10/2/98

Ref to: T&PW

2nd Reading: 11/13/98

Amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Water.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Article IV through VII to read as follows:

ARTICLE IV. METERS GENERALLY

509.600. Definition. As used in this article, the word "meter" shall include a metering or measuring device connected to and an integral part of the water system of the city for the purpose of measuring the amount of water delivered from the city water main to any private premises, buildings or structures in the city, but not private meters owned and installed by the owner or occupant of any premises for the owner's or occupant's own use and benefit.

509.610. City ownership of general water supply meters. The city will install, own, and maintain all domestic general water supply meters inside the city. The city will install, own, and maintain all domestic general water supply meters six (6) inch and smaller in size outside the city. Meters above six (6) inch in size outside the city will be installed, owned, and maintained by the private owners of the premises except by specified agreement between the private owner and director of the waterworks.

509.620. Transfer of title. Any owner of a meter described in section 509.610 may make, execute and deliver to the city, through the city engineer, a statement in writing upon a form to be prepared by the city engineer transferring title of said meter to the city. From and after the date of the transfer of the title of said meter to the city, the city will be the exclusive owner of said meter.

From and after the date of the transfer of the meter, the city will, at its own expense, keep said meter in good and efficient operating condition and will at its sole expense make all necessary repairs and adjustments in said meter, except such repairs as are made necessary by willful damage or negligence of the user or owner. Should any such meter become so damaged or out of condition that it may not be economically repaired, the city, at its sole expense, will replace such meter.

In all instances where the ownership of a meter is not transferred to the city, the cost of removal, repair or replacement of such meter will be at the expense of the owner of the premises.

509.630. Meter Placement. The director of the waterworks shall have water meters placed at city expense on all premises where deemed necessary. Failure of a bill payer to allow to have placed a water meter or water meters on the premises when notified to do so shall be cause for the water to be turned off from the premises and not turned on again until such meter or meters shall be placed as required. Water meter placement shall include any associated automatic meter reading devices as required by the waterworks division.

509.640. Setting and maintenance. Any customer may have an approved meter put in upon approval of the city and upon payment of the cost of such meter; and whenever thereafter

said meter shall become obstructed or out of order, the city shall cause the same to be opened, cleared and put in order. If new parts to said meter are required, the city shall cause such parts to be supplied and such repairs shall be made upon being paid for by the customer.

509.650. Manner of setting. Meter installations shall be made in such a manner that the meter, couplings and valves will not be subjected to immersion by ordinary back flooding of house drainage over basement floors. Each meter shall have a shut-off valve before the inlet and a shut-off valve at the outlet.

509.660. Meter setting devices. Meter setting devices for five-eighths (5/8) inch, three-fourths (3/4) inch and one (1) inch meters shall be of copper or noncorrodible metal pipe or tubing from the terminus of the service pipe up to and including the house side valve and shall be subject to the approval of the city.

509.670. Location of; specifications for installations. All meters shall be set at the nearest practicable location to the point where the service pipe enters the building; and shall be set in such a manner as to be easily accessible for reading, removal and resetting. No service pipe within a building ahead of a water meter shall be concealed, except that it may be run a reasonable distance beneath the lowest floor in the building. All meters shall be set in accordance with the following:

DISPLACEMENT-TYPE METERS
Height of Center Line of Inlet and
Outlet Piping Above Floor

Size (inches)	Minimum (inches)	Maximum (inches)	Laying Length of Meter Face to Face (inches)
5/8	12	36	7 1/2
3/4	12	36	9
1	12	36	10 3/4
1 1/2	3 3/4	24	13
2	3 1/2	24	17

COMPOUND-TYPE METERS
Height of Center Line of Inlet
and Outlet Piping

Size (inches)	Minimum (inches)	Maximum (inches)	Meter Length (inches)	Minimum Spool Each End (inches)	Minimum Face to Face Between Gates (inches)
2	5 1/2	24	*	6	*
3	8 1/2	24	24	6	36
4	9	24	29	8	45
6	11 3/4	24	36 1/2	8	52 1/2

* Laying length of two-inch compound meters shall be specified by the city.

Laying length of compound-type meters shall include a spool at each end of the meter of the same size as the meter and of the minimum length specified above.

Compound meters shall be at least six (6) inches from wall in all directions.

Setting instructions for all sizes larger than six (6) inches or for special meters shall be secured from the water department.

Meters size up to and including one (1) inch shall be supported by the inlet and outlet piping. All other meters shall be securely shimmed up to alignment with brass or bronze shims. In order that meters may be removed and replaced by meters of a different manufacturer, the floor beneath the meter shall be left flat and smooth. Couplings and valves shall not be subjected to immersion by ordinary back flooding of the building drainage. All meters shall have a one hundred twenty-five (125) pound pressure rated valve before the inlet and a one hundred twenty-five (125) pound pressure rated shutoff valve at the outlet of the meter, except that bypass meters on fire line detector checks shall have one hundred twenty-five (125) pound pressure rated valve at the inlet and a one hundred twenty-five (125) pound pressure rated swing check valve at the outlet of the bypass meter.

Meter valves shall be gate valves meeting federal specification WW-V- 54D (latest revision) or ball valves meeting federal specification WW-V- 35B (latest revision) having a full port opening that is the same diameter as the inside pipe diameter or approved equal.

All meters shall be valved at the inlet and at the outlet of the meter in such a manner that the meter may be easily removed. No bypass shall be installed around a water meter without specific permission in writing from the waterworks director. Where meter setting heights must be higher than the minimum listed for one and one half (1 ½) inch and larger meters, to ensure protection from immersion from backflooding, there shall be constructed an elevated pier to support the meter, but the pier must be flat across the top and the inlet and outlet piping elevations as shown must be above the top of the pier and the meters must be shimmed up for support in the same manner as if they were on the floor.

Whenever a condition exists that prevents the reading, removal or setting of a water meter, the person or persons whose name appears on the current billing records shall be mailed a notice to correct such conditions. Unless the condition is corrected within fifteen (15) days the city shall cause the water to be disconnected in the street and the water to remain disconnected until the condition is corrected and all fees and costs are paid.

Whenever a water service to a building is replaced, the water meter shall be installed in accordance with the provisions of this article.

509.680. Fire service assembly meters. Fire service assembly meters that register water consumption for a combined domestic general supply and fire line, where permitted by the director of the waterworks, will be installed, owned, and maintained by the owner of the premises.

509.690. Testing. Any person desiring to have their meter tested by the waterworks may have such test made upon paying into the city treasury an amount to cover removing, transporting, testing, and replacement of the meter plus an amount for sewer and water service during the absence of the meter from the meter installation in the building.

These costs shall be established and kept current by the director of the waterworks and a current schedule of said costs shall be posted in the water department.

If the meter is found to read a greater amount than the accuracy tolerance of three (3) percent, the costs associated with the meter testing shall be refunded and the bills associated with the error in calibration of the meter shall be adjusted for a period of three (3) years prior to the testing of the meter.

509.700. Interference with. No person shall connect, or disconnect, or take apart, or in any manner change, or permit to be changed, or interfere with the action or regulation of a water meter unless authorized by the waterworks division.

Violation of this section shall subject the property owner to a fee of two hundred dollars (\$200.00). Violation may also result in the discontinuance of water service either by turning off the water at the stop box or by severing the service at the water main if the stop box is inoperable. Should water service be discontinued, reestablishment may not be made until:

- (1) All outstanding bills for utility service are paid in full;
- (2) All charges for discontinuance of water service are paid, including the fee for interfering with a meter, if applicable;
- (3) All charges for reinstitution of water service are paid; and
- (4) All costs for repair or replacement of the faulty water meter are paid.

ARTICLE V. RATES AND CHARGES*

509.730. Meter rates established. Water meter rates shall be set by city council resolution to be effective beginning January 1, 1999, and as revised thereafter.

509.735. Meter rates established through December 31, 1998. Effective with water billings for water meters read from and after January 1, 1998, the meter rates for water are hereby fixed and shall be collected as follows:

- (a) One dollar and forty-three cents (\$1.43) per one hundred (100) cubic feet for customers not otherwise mentioned, within the limits of the City of Minneapolis.
- (b) One dollar and forty-three cents (\$1.43) per one hundred (100) cubic feet to the United States Government within the city limits, and outside of or adjacent to the city limits, such rates and upon such terms as may be agreed upon by the city and the United States Government.
- (c) One dollar and forty-three cents (\$1.43) per one hundred (100) cubic feet to the University of Minnesota, the United States Veterans' Hospital, the metropolitan airports commission for service to Minneapolis-St. Paul International Airport, and all city-owned property.
- (d) One dollar and fifty-two cents (\$1.52) per one hundred (100) cubic feet to municipalities and villages outside the corporate limits of the city where service to such municipalities or villages is given through a master meter.
- (e) One dollar and fifty-eight cents (\$1.58) per one hundred (100) cubic feet to municipalities, municipal corporations, villages and customers outside the corporate limits of the city where service is furnished through individual customer meters.
- (f) Rates for municipalities, municipal corporations and villages, which are established by contract, shall continue on the existing contract basis.

This section shall be rescinded on midnight of December 31, 1998.

509.740. Minimum rates. Minimum rates for water shall be set by city council resolution. Charges commence when the street valve is turned on for water service. The minimum bill for an owner occupied residential development serviced by a combined fire/general service line shall be a multiple of the number of units served, times the minimum charge for a three-fourth (3/4) inch meter.

509.750. Net and gross bills. To all utility bills shall be added five (5) per cent of the amount thereof, respectively, according to the foregoing rates, and each bill shall show the net and gross amounts thereof. All bills paid before the expiration of twenty (20) days after the deposit thereof or notice thereof, in the post office, or delivery thereof at the premises, in respect to which utility charges are due, shall be the net amount thereof, and all bills paid after the expiration of said twenty (20) day period shall be the gross amount thereof. Provided, however,

that the city may accept after the twenty (20) day period the net bill amount in full payment on satisfactory evidence that the delay in payment was due to circumstances over which the customer had no control.

509.760. Rates when not otherwise provided. Rates, for all purposes not hereinbefore named, will be fixed by estimation or meter measurements, at the option of the director of the waterworks; provided that no service pipe shall be assessed to yield a revenue of less than the minimum charge set by city council resolution, however small the quantity of water required.

509.770. Special charges. The use of water flow for any purpose not specified by council resolution is to be charged and compensation collected therefor per one hundred (100) cubic feet at the average quantity estimated by the director of the waterworks to be used during the year, or the quantity ascertained by meter.

509.780. Metropolitan council environmental services. Industrial user sewer strength charge system.

(a) *Recitals.* The metropolitan council environmental services, a metropolitan commission organized and existing under the laws of the State of Minnesota (the "commission"), in order to receive and retain grants in compliance with the Federal Water Pollution Control Act Amendments of 1972 and regulations thereunder (the "act"), has determined to impose an industrial user sewer strength charge upon users of the metropolitan disposal system (as defined in Minnesota Statutes, Section 473.121, subdivision 24) to recover operation and maintenance costs of treatment works attributable to the strength of the discharge of industrial waste, such sewer strength charge being in addition to the charge based upon the volume of discharge. In order for the city to pay such costs based upon strength of industrial discharge and allocated to it each year by the commission, it is hereby found, determined and declared to be necessary to establish sewer strength charges and a formula for the computation thereof for all industrial users receiving waste treatment services within or served by the city. Furthermore, Minnesota Statutes, Section 473.521, subdivision 3, expressly authorizes the city to exercise the powers granted any municipality by Minnesota Statutes, Section 444.075 and Minnesota Statutes, Section 444.075, subdivision 3, empowers the city to make such sewer charge a charge against the owner, lessee, occupant or all of them and certify unpaid charges to the county auditor as a tax lien against the property served.

(b) *Establishment of strength charges.* For the purpose of paying the costs allocated to the city each year by the commission that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the city, there is hereby approved, adopted and established, in addition to the sewer charge based upon the volume of discharge, a sewer charge upon each company or corporation receiving waste treatment services within or served by the city, based upon strength of industrial waste discharged into the sewer system of the city (the "strength charge").

(c) *Establishment of strength charge formula.* For the purpose of computation of the strength charge established by subsection (b) hereof, there is hereby established, approved and adopted in compliance with the act the same strength charge formula designated in Resolution No. 76-172 adopted by the governing body of the commission on June 15, 1976, such formula being based upon pollution qualities and difficulty of disposal of the sewerage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the commission.

(d) *Strength charge payment.* It is hereby approved, adopted and established that the strength charge established by subsection (b) hereof shall be paid by each industrial user receiving waste treatment services and subject thereto before the twentieth day next succeeding and date of billing thereof to such user by or on behalf of the city, and such payment thereof shall be deemed to be delinquent if not so paid to the billing entity before such date. Furthermore, it is hereby established, approved and adopted that if such payment is not paid before such date, an industrial user shall pay interest compounded monthly at the rate of two-thirds ($2/3$) of one (1) per cent per month on the unpaid balance due.

(e) *Establishment of tax lien.* As provided by Minnesota Statutes, Section 444.075, subdivision 3, it is hereby approved, adopted and established that if payment of the strength charge established by subsection (b) hereof is not paid before the sixtieth day next succeeding the date of billing thereof to the industrial user by or on behalf of the city, said delinquent sewer strength charge, plus accrued interest established pursuant to subsection (d) hereof, shall be deemed to be a charge against the owner, lessee and occupant of the property served, and the city or its agent shall certify such unpaid delinquent balance to the county auditor with taxes against the property served for collection as other taxes are collected; provided, however, that such certification shall not preclude the city or its agent from recovery of such delinquent sewer strength charge and interest thereon under any other available remedy.

509.790. Charges when meter not owned by city. On all meters not owned by the city there shall be charged for inspection, repairs and parts the actual cost of such inspection, repair and parts plus the cost of labor at the current hourly wage rate, the cost of transportation, if any, plus an additional ten (10) per cent of the total of all such items, which shall be an overhead charge.

509.800. Charges. The city engineer shall establish a schedule of charges and procedures for services provided which shall reasonably relate to the additional cost of the service and materials required.

ARTICLE VI. BILLING

509.820. Definitions. The following definitions shall apply to Chapters 509 and 511.

Applicant means an individual, firm, corporation, cooperative, association, or agency that requests utility services.

Bill payer means the owner, or the owner's designated agent(s), or firm, corporation, cooperative, association, or agency who is contractually obligated to pay for the utility bill, according to the records of the utility billing office. Agents of an owner must provide proof of the agency relationship in a document signed by the owner.

Customer means the billpayer or individual(s) occupying real estate receiving utility services.

Department means the waterworks division of the Minneapolis Department of Public Works or the utility billing office of the Minneapolis Finance Department.

Prior bill payer means a bill payer as defined in subsection (a) above for a period in the past.

Utility services means water, sewer, solid waste and any other city services or fees that are charged on the city utility bill.

509.830. Right to service. Upon request by an applicant, billpayer, or customer, the department shall supply water and sewer service unless the applicant, billpayer, or customer does not meet any written department credit policy adopted in accordance with applicable law. The department shall not deny or terminate water and sewer service to an applicant, billpayer, or customer because of a delinquent account owed or incurred by a prior customer at the service address unless the customer continues to occupy the premises. Section 509.1040 is applicable in the case of landlord tenant relationships.

509.840. Owner's designation of agent. Upon request of the property owner, the department may list an agent as the bill payer, to receive notification of a discontinuance of service, and to receive notification of a right to a hearing under this chapter. The owner remains ultimately responsible for the charges even when listing an agent as the bill payer.

509.850. Bill payer information. Once every twelve (12) months, the department shall inform each bill payer that a copy of the ordinances and department policies pertaining to water services and shut-offs is available for review at the offices of the department.

509.860. Billing. Charges for utility services furnished by the city to customers shall be due and payable monthly or quarterly, as may be deemed necessary and convenient by the city. The city shall deliver a bill, by first class mail or personal service, of the utility charges due. The bill shall be directed to the owner or the owner's designated agent of the service address/premises, and the bill shall be deemed sufficient notice of the amount due.

509.870. Bills. (a) *Basis of bill.* The department shall base the water and sewer charges upon meter reading except as provided in sections 509.880, 509.740 and 509.890. Charges authorized by state law, the City Charter, or Minneapolis Code of Ordinances may be added to the utility bill. Other charges agreed to by the city and the customer may also be added to the utility bill.

(b) *Billing information.* An initial bill shall state clearly:

- (1) The beginning and ending meter reading of the current billing period.
- (2) The dates of meter readings.
- (3) Whether the charges are based on actual or estimated consumption.
- (4) The date by which payment in full must be made in order to prevent the account from becoming delinquent.
- (5) Any connection or reconnection charge.
- (6) Any charge remaining unpaid.
- (7) Any new charge for utility service during the current billing period.
- (8) The total balance on the date of preparation of the bill.
- (9) The net amount due and the gross amount due.

509.880 Meter reading. (a) *Meter reading requirements.* Readings of all meters used for determining charges shall be attempted at least once every billing period. The department may permit a customer to supply meter readings, but the customer must allow the department to read the meter at least once every twelve (12) months, when there is a change in customer, and when requested by the customer.

(b) *Estimated bills.* When a meter reading cannot be gained and the customer fails to supply a meter reading in time for the billing operations, an estimated bill shall be rendered. If a customer provides a meter reading, but it appears to the department there is an error in the reading, the department shall make an attempt to contact the customer to explain the situation and assist the customer in making correct future readings of the meter. Following that, the department may estimate the bill if necessary. Estimated bills shall be based on the property's consumption history.

509.890. Nonregistering meters; misreads. If the meter fails to register, the charge for water will be based upon the historical usage; taking into consideration the volume of business, seasonal demand and any other factor that may assist in determining an equitable adjustment. Apparent misreads, if they involve large amounts, may be sent back for checking; otherwise the account is billed at the reading given, leaving the error to be compensated for at the next reading.

509.900. Delinquency. (a) *Delinquency date.* At the expiration of twenty (20) days after the mailing or personal service of such notice, all utility charges not paid shall be deemed delinquent and the water may be shut off in accordance with section 509.1030. If a billpayer disputes receipt of a bill, the billpayer may notify the department. If the dispute is not resolved, the billpayer may request a hearing under section 509.920.

(b) *Computation of payment period.* If the date for payment is a date when the offices of the department regularly used for payment of customer bills are closed to the general public, the date of payment shall be the next business day.

(c) *Late payment charges.* Late payment charges under section 509.750 shall continue to accrue on a disputed amount, but the charges will be waived if the dispute is ultimately decided in favor of the billpayer.

509.910. Deferred payments. (a) *Notice.* If a bill payer claims inability to pay a bill in full, the department shall inform the bill payer of the department's policies with respect to deferred payment agreements.

(b) *Deferred payment agreements.* The department shall make available to any qualifying bill payer a deferred payment agreement. In deciding whether to offer a bill payer a deferred payment agreement and in determining the length of any such agreement the department shall consider:

- (1) The size of the account;
- (2) The bill payer's ability to pay;
- (3) The bill payer's payment history;
- (4) The time the debt has been outstanding;
- (5) The reasons why the debt has been outstanding; and
- (6) Other relevant factors concerning the circumstances of the bill payer.

(c) *Terms of agreement.* If the department and the bill payer decide to enter into a deferred payment agreement, the agreement shall provide for payment of future bills as they fall due.

509.920. Complaint procedures. (a) *Complaints.* A bill payer, customer or applicant may notify the department of any complaint or dispute in writing, by telephone or in person within ninety (90) days of the due date of the bill being disputed. The department shall investigate the complaint promptly and shall make a substantial effort to resolve it. A complaint not resolved may proceed to a formal complaint if it satisfies the requirements listed in this section for formal complaints.

(b) *Formal Complaints.* Complaints received timely under (a) above and not resolved shall be placed in writing by the applicant, customer or bill payer within fourteen (14) days of the ninety (90) days after the due date of the bill in dispute. The complaint is deemed waived if received beyond the time limit. The formal complaint shall state the specific disputed item(s) on the bill and reasons for the dispute. The department shall investigate the complaint promptly and shall notify the bill payer, customer or applicant in writing of the results of its investigation and of its decision within fourteen (14) days of receipt of the complaint.

(c) *Appeal of Formal Complaint Decision.* The written decision of the department on a formal complaint shall include the following information:

- (1) The decision of the department and the amount due to be paid.
- (2) That the bill payer, customer or applicant has a right to appeal the decision to an impartial hearing officer as provided in section 509.930.
- (3) That an appeal must be in writing and sent to the address provided in the department's written decision.
- (4) That an appeal must be received by the city within ten (10) calendar days of the postmark date of the department's written decision.
- (5) That the bill payer, customer or applicant is entitled to only one (1) appeal hearing on the same dispute.
- (6) That the decision of the hearing officer on an appeal may result in an assessment against the property with no further hearing.

509.930. Administrative procedures. (a) The city shall designate one or more hearing officers. Such hearing officers shall render decisions on matters before them in an impartial manner. Such decisions shall be binding on the department.

(b) The department shall schedule all hearings at a time to be designated by the hearing officer.

(c) The department shall furnish to the hearing officer and to the bill payer or applicant a written explanation of its position and supporting documentation at least three (3) calendar days prior to a scheduled hearing.

(d) At any hearing under this chapter:

- (1) The bill payer, customer or applicant may appear in person or through a representative of the bill payer's or applicant's choice.

(2) The parties may present evidence, testimony, and oral and written argument, and they may cross-examine each witness appearing on behalf of the other party.

(3) The rules of evidence shall not apply. However, only reasonably relevant evidence shall be received and considered.

(4) Burden of proof. The department bears the burden of proving that a reason for discontinuance and/or assessment exists.

(e) Following the hearing, the hearing officer shall prepare, in writing, a statement of the department's position, the bill payer's, customer's or applicant's position, findings of fact, a decision, and reasons therefor. The hearing officer's decision shall be based upon competent evidence in the record. The hearing officer may propose a settlement at any time which, if accepted by the parties, shall be reduced to writing and made a part of the record.

(f) The hearing officer's decision shall be mailed promptly to the bill payer, customer or applicant and department. The bill payer, customer or applicant shall pay any amounts owed within thirty (30) days of the hearing officer's decision. Failure to pay may result in the termination of water service for the said bill payer, customer or applicant of the property. Any amounts remaining unpaid will be assessed to property taxes and the hearing conducted previously shall stand as the hearing for said assessment. A bill payer, customer or applicant who disagrees with the hearing officer's decision may thereafter seek any judicial remedy provided by law.

ARTICLE VII. NOTICES AND TURNING WATER OFF

509.960. Shut-off for public interest, misuse, waste or violation. Any violation of chapter 509 may cause water to be shut off. Water may also be shut off if the director of the waterworks determines that the use, misuse or waste of water adversely affects the health, safety or welfare of the public. No one shall turn water on or off without authority from the city. Whenever water is found on without authority, it may be immediately turned off without further notice.

509.970. Shut-off for nonpayment. Premises with delinquent utility bills under section 509.900 may have the water turned off. The department may discontinue service to a bill payer if the bill payer fails to comply with the terms and conditions of a deferred payment agreement. The department shall not discontinue service under this paragraph except as provided in sections 509.1020 and 509.1030.

509.980. Payment required to restore water service. When water has been turned off for nonpayment of utility charges, or for violations of chapter 509, it may not be turned on again until payment is received for charges connected with turning water off and on, the expenses for digging and repair necessary to turn off, and charges for utility services, administrative fees and fines that are due.

509.990. Discontinuance at request of customer. All bill payers or owners who desire to discontinue water service for repair or vacant property must notify the Utility Billing office or the waterworks director. The city will determine if water may be shut off. Water service and utility charges shall continue to accrue until water is turned off by the city except as provided by section 225.630.

509.1000. Shut-off for failure to allow access to read the meter. When the department cannot gain access to read the meter, the department may notify the customer or applicant that, if the customer or applicant does not make arrangements within ten (10) calendar days from the mailing of the notice to allow the department access to read the meter, the department will terminate water service to that customer or applicant.

509.1010. Administrative procedure for water shut-off on delinquent accounts. No person shall be deprived of water service because of a delinquent account except pursuant to the administrative procedures in this chapter. See section 509.820 for definitions.

509.1020. Limitation on discontinuance. The department shall not discontinue service to a bill payer, applicant or customer because of the failure of the bill payer, applicant or customer to pay a charge owed or incurred by a prior bill payer at the same service address, unless the prior bill payer, applicant or customer continues to occupy the property. No water service shall be terminated by the department while there is a complaint of fact under investigation or on appeal pursuant to this chapter provided amounts not in dispute are paid.

509.1030. Discontinuance notices (a) *Discontinuance notice.* Except as provided in this chapter, the department shall not discontinue water service unless at least ten (10) calendar days prior to the date of the proposed discontinuance, the department sends a written notice to the bill payer by first class mail or by personal service. The department shall keep an accurate record of the date of mailing or personal service of a discontinuance notice.

(b) *Discontinuance; form of notice.* A notice of discontinuance of service shall contain the following information:

- (1) The name and address of the bill payer if known to the department.
- (2) A clear and concise statement of reasons for the proposed discontinuance of service.
- (3) The date on or after which service will be discontinued unless the bill payer acts to prevent discontinuance.
- (4) A description of the appropriate action the bill payer must take to prevent discontinuance.
- (5) The right to dispute the discontinuance following the procedures pursuant to this chapter before an impartial hearing officer, and that no water or sewer service shall be terminated by the department while there is a complaint of fact under investigation or on appeal pursuant to this chapter.
- (6) A statement that if service is discontinued, the bill payer shall be required to make payment of the delinquent account and other charges as provided in section 509.980, or make payment arrangements as provided in section 509.910 as a condition of restoration of service.

509.1040. Discontinuance of service to accounts affecting tenants. (a) *Residential rental rule.* In situations where the department has reason to believe that a landlord-tenant relationship exists and that the landlord or designated agent in writing is the bill payer of the utility; and where the landlord or agent as bill payer would otherwise be subject to disconnection of water service; this section shall apply.

(b) *Rights upon discontinuance.* When the department proposes to discontinue service at a residence at which it has reason to believe a landlord-tenant relationship exists and where the landlord or agent is required by law or contract to pay for the service and has failed to do so, the tenant or a group of tenants may pay the department to have the service reconnected and/or continued as provided for in section 244.590 of this Code. The tenant or group of tenants may consider the payment to be a payment of rent as provided for in Minnesota Statutes, Section 504.185, Subd. 2.

(c) *Tenant's right to account information.* The department shall make available to any requesting tenant or his/her representative the water service account of the building that has been posted pursuant to this section.

(d) *Ownership status.* An applicant, customer or bill payer shall provide the department, at its request, with information enabling it to determine the ownership status of the premises to which water and sewer service is proposed to be or is being provided.

(e) *Notice to tenants.* Where the department provides service to a resident with an address which is different than that of the bill payer paying the charges for service to such residence, or where the department has other reason to know that a landlord has contracted to be responsible for the utility account at a residence occupied by tenants; or where the premises where service is rendered is a duplex or other multiple dwelling, and where the department proposes to discontinue service at such residence for nonpayment of outstanding charges or for any other reason, the department shall use the following procedures:

(1) The department shall post in a conspicuous place on or near the front and rear entrances of the premises where service is rendered a notice of intent to discontinue service.

(2) Said notice shall be posted not less than thirty-one (31) calendar days prior to the date upon which the department proposes to terminate service.

(3) Copies of said notice shall, at the same time, also be delivered personally or sent by first class mail to the occupants of the address where service is rendered and shall be mailed to the landlord bill payer at the billing address.

(4) Such notice by first class mail shall be enclosed in an envelope on which is printed in a conspicuous manner and place a notice that the envelope contains important information about the customer's water service.

(f) *Contents of notice.* The notices required pursuant to paragraph (e) of this section shall be as provided in section 509.1030(b) of this chapter.

(g) *Tenant's right to continuance of service.* The posted notice required under this section shall also contain the following information:

(1) That the tenant has the right to avoid discontinuance of service by making the payment for the services as provided in section 244.590 of this Code.

(2) That should the tenant elect to pay for the service, the rent payments may be made directly to the department, and that any such payment shall be considered a reduction of rent owed by the tenant.

(3) That it is unlawful for a landlord to retaliate against a tenant who exercises rights under this section.

(4) That the tenant may have additional legal claims against the landlord based upon the landlord's failure to pay charges for water service, and should seek competent legal advice and assistance.

(h) *Removal of notice.* No person shall deface or remove any notice posted by the department pursuant to this section. Such notice shall be removed only by the department or with its consent.

509.1050. Not to be turned off on weekends for nonpayment. Water shall not be turned off for nonpayment from any service pipe between the hours of 9:00 a.m. on Saturdays and 9:00 a.m. on Mondays.

ARTICLE VIII. UTILITY SPECIAL ASSESSMENTS

509.1080. Utility Special Assessments. (a) All water, sewer, solid waste, recycling, and other charges that have not been paid within twenty (20) days after the bill has been sent shall be considered delinquent and may thereafter be assessed against the property served. A notice will be mailed to the taxpayer of record of the proposed assessment amount. The charges will be certified to the Hennepin County Auditor for collection as other taxes are collected.

(b) If a taxpayer has not had an administrative hearing under section 509.930 on the same disputed charge(s), then an assessment hearing will be conducted. Not less than fourteen (14) days prior to the hearing, the department will mail notice to the bill payer including:

(1) The date, time, and place of the Special Assessment hearing.

(2) The amount of money past due on the account.

(3) That the bill payer file written objections to the assessment no later than three (3) days prior to the hearing.

(4) That the bill payer must indicate prior to the hearing intentions of attendance.

(5) That Council will approve the special assessments at annual adoption of the assessment roll.

(6) The bill payer may appeal the assessment to the district court within thirty (30) days after the adoption of the assessment by the council at an annual meeting.

(c) The decision of the hearing officer will be mailed promptly to the bill payer following the hearing. It will include the hearing officer's decision, the amount due, and the statements of subsections (b)(5) and (b)(6) of this section.

(d) The amount of the assessment may include an administrative fee not to exceed ten (10) percent of the assessed amount and shall bear interest at such amount not exceeding six (6) percent per annum. Such an assessment shall be collected as a special assessment payable in one (1) sum.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998. J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 98-Or-135

By Mead

Intro & 1st Reading: 10/2/98

Ref to: T&PW

2nd Reading: 11/13/98

Amending Title 19, Chapter 509 of the Minnesota Code of Ordinances relating to Water, Sewers and Sewage Disposal: Water.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the number of Article VIII, Chapter 509 of the Minneapolis Code of Ordinances be amended to read as follows:

ARTICLE ~~VIII~~ IX. FIRE PROTECTION AND HYDRANTS

Section 2. That Section 509.1050 of the above-entitled ordinance be amended to read as follows:

509.1050 509.1100. Permits to tap mains for fire protection. All applications for permits to tap the city water mains for fire protection only shall be made to the superintendent director of the waterworks, who may grant permits for tapping the city water mains and connecting fire protection pipes ~~therewith~~, with a water meter or a detector ~~therefor~~, ~~at the discretion of the superintendent,~~ check valve/water meter combination the same to be used for fire protection only in case of actual fire, and for no other purposes whatever.

Section 3. That Section 509.1060 of the above-entitled ordinance be amended to read as follows:

509.1060 509.1110. ~~Where no Fire protection pipes without a meter.~~ All valves connected with fire protection pipes having no water meter connected therewith shall be sealed by the city, at the expense of the applicant, and in case of a fire and the breaking of the seal, the waterworks ~~department~~ division shall be notified of the same by the owner, tenant or occupant of the premises within twenty-four (24) hours after the breaking of such seal. Any person who shall use water from connections so made for fire purposes only, or who shall break the seal of any valve connected with any fire protection pipes, and shall fail to notify the waterworks ~~department~~ division of same within twenty-four (24) hours, as above required, or who shall tap or make connections with any fire protection pipes, shall be subject to, and shall pay, ~~a penalty~~ an administrative fee of not more than one hundred dollars (\$100.00), and the superintendent director of the waterworks shall immediately shut off the water from such fire protection pipes and shall not turn on the same until such ~~penalty~~ administrative fee is paid.

Section 4. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new section 509.1120 to read as follows:

509.1120. Fire line rates. All rates for fire standpipes, supply pipes and automatic sprinkler pipes with detector meters, direct meters or unmetered, shall be set by city council resolution to be effective beginning January 1, 1999, and revised thereafter.

When the seal of any of the valves connecting with such fire protection pipes shall be broken, it shall be resealed by the director of the waterworks. All connections for fire systems must have a post indicator valve installed at the curb if ordered by the director of the waterworks.

Section 5. That Section 509.1070 of the above-entitled ordinance be amended to read as follows:

509.1070 509.1125. Annual rates. All fire standpipes, supply pipes and automatic sprinkler pipes with detector meters, direct meters or unmetered, shall be assessed according to size of connection at the following rates each per annum for the service and inspection of the fire protection pipes and meters installed, as follows:

2 inch pipe connection	\$ 30.00
3 inch pipe connection	36.00
4 inch pipe connection	48.00
6 inch pipe connection	72.00
8 inch pipe connection	120.00
10 inch pipe connection	180.00
12 inch pipe connection	300.00

When the seal of any of the valves connecting with such fire protection pipes shall be broken, it shall be forthwith resealed by the superintendent of the waterworks. All connections for fire systems must have a post indicator valve installed at the curb if ordered by the superintendent of the waterworks.

This section shall be rescinded on midnight of December 31, 1998.

Section 6. That Section 509.1080 of the above-entitled ordinance be amended to read as follows:

509.1080 509.1130. Penalty Administrative fee for opening fire hydrants. A fine An administrative fee of ten dollars (\$10.00) one hundred dollars (\$100) shall be imposed for every fire hydrant opened without the proper authority; and one dollar (\$1.00) for every barrel of water taken or permitted to run therefrom. The amount of water shall be computed from the time the water is allowed to run, taking the average pressure into consideration, and presuming that the hydrant was fully opened. In addition to the above fee, there shall also be a charge to the person opening the hydrant based upon an estimate by the waterworks of the amount of water taken from the hydrant times the water rate in effect times five (5).

Section 7. That Section 509.1090 of the above-entitled ordinance be amended to read as follows:

509.1090 509.1140. Interference with hydrants, gates. No person shall open or interfere with any of the hydrants or gates of the city, except the superintendent of the waterworks, or persons specially authorized by the superintendent, and members of the fire department and the city engineer. city employees with proper authorization to do so and other persons with the proper permits from the waterworks division.

Section 8. That the number of Article IX, Chapter 509 of the Minneapolis Code of Ordinances be amended to read as follows:

ARTICLE ~~IX~~ X. CONTROL AND PROTECTION OF SUPPLY*

Section 9. That Section 509.1120 of the above-entitled ordinance be amended to read as follows:

~~509.1120~~ 509.1170. Supply required. Every building intended for human occupancy or use shall be provided with ample supply of potable water.

Section 10. That Section 509.1130 of the above-entitled ordinance be amended to read as follows:

~~509.1130~~ 509.1180. Inspection of supply. The director of inspections shall inspect the installation of, extension to or any alterations in all water service, water supply or water distribution piping system in all buildings, structures and premises in the city or outside the city of the property is connected to the City of Minneapolis water supply system. The officers and employees of the department of inspections and the waterworks ~~department~~ division shall have free entry and access to any building, structure or premises, or part thereof, whether complete or in the process of erection, for the purpose of determining whether the provisions of this article are complied with. The city may shut off the water supply to any property where the owner has refused to give access to the affected property.

Section 11. That Section 509.1140 of the above-entitled ordinance be amended to read as follows:

~~509.1140~~ 509.1190. Permits required. No person shall install in any building or structure any pipe or pipes or systems of piping which receive service from the waterworks system, or any private source, nor make any alteration in or addition, replacement or extension to any existing pipe or system of piping in any building or structure until such person shall have made application to the department of inspections for permission for such installation, alteration, addition, replacement or extension. Permits will not be required for the repair of leaks or the replacement of less than ten (10) feet of piping.

Section 12. That Section 509.1150 of the above-entitled ordinance be amended to read as follows:

~~509.1150~~ 509.1200. Permit application and fees. Every application for a permit for the installation in any building or structure of water supply or water distribution pipes or system of piping shall be in writing on printed forms furnished by the department of inspections. The fees for permits shall be computed according to the terms of Chapter 91, Article IV, of this Code.

Section 13. That Section 509.1160 of the above-entitled ordinance be amended to read as follows:

~~509.1160~~ 509.1210. Permit not required of refrigeration installers. No permit shall be required of a person duly licensed by the city as a master refrigeration installer or the holder of a certificate of competency as a journeyman refrigeration installer issued by the city for the disconnecting or reconnecting of refrigeration systems or equipment connected to the water distribution system of any building or structure for the repair or service of such refrigeration systems or equipment.

Section 14. That Section 509.1170 of the above-entitled ordinance be amended to read as follows:

~~509.1170~~ 509.1220. Permittee must be master plumber; exceptions. Except as provided in section ~~509.1180~~ 509.1230, no permit shall be issued to any person for the installation, alteration, extension or repair of any system of water supply piping in connection with any plumbing system in any building, structure or premises unless such person is duly licensed and bonded by the city as a qualified master plumber.

Notwithstanding any other provision of this Code of Ordinances to the contrary and where permitted by state law, permits may be issued to make repairs, additions, replacements and alterations to any plumbing or drainage work of any single-family dwelling structure used exclusively for living purposes or any accessory buildings thereto provided that all such work in connection therewith shall be performed only by the person who is the bona fide owner and occupant of such dwelling as his residence or a member of said owner-occupant's immediate family as herein defined. "Immediate family" includes only a parent, children by birth or adoption and said children's spouse.

Section 15. That Section 509.1180 of the above-entitled ordinance be amended to read as follows:

~~509.1180~~ 509.1230. Permits to refrigeration installers and steam and hot water installers for limited purposes. Permits shall also be issued to persons duly licensed and bonded by the city as qualified:

(a) Master refrigeration installers for the installation, alteration, extension or repair of any condenser or cooling water piping to refrigeration systems or equipment from an existing opening in the water distribution piping system of any building or structure; and

(b) Master steam and hot water heating installers for the installation, alteration, extension or repair of water piping to steam or hot water heating systems, steam piping systems or cooling piping and equipment from an existing opening in the water distribution piping system of any building or structure.

Section 16. That Section 509.1190 of the above-entitled ordinance be amended to read as follows:

~~509.1190~~ 509.1240. Connection to another water system. Whenever a system of water supply, whether inside or outside of any building or structure, is supplied with water from any well, cistern, river, lake or any source other than the Minneapolis waterworks system such system shall be kept entirely separated from, and no connection of any kind, either direct or indirect, shall be made with any pipe or system of piping which is supplied with water from the city except where the city has a bona fide working agreement with the governmental agency or operators of such system and the connection or provision for connection is made with and maintained under the approval and supervision of the ~~superintendent~~ director of the waterworks.

Section 17. That Section 509.1200 of the above-entitled ordinance be amended to read as follows:

~~509.1200~~ 509.1250. Separation from connected system. Wherever physical connection or cross connection between the city waterworks system and any other waterworks system is found to exist, the ~~superintendent~~ director of the ~~water department~~ waterworks and the owner shall be notified; and unless the owner removes the connection or cross connection within ten (10) days, the said ~~superintendent~~ director shall cause the water to be physically disconnected in the street and to remain disconnected until the separation of the system is effected.

Section 18. That Section 509.1210 of the above-entitled ordinance be amended to read as follows:

~~509.1210~~ 509.1260. Delivery to common tanks. Where the city water supply is delivered to a tank which is also supplied with water from a source other than the Minneapolis waterworks, the tank shall be open to atmospheric pressure and the city water shall be discharged by a separate overhead pipe terminating in an opening at least six (6) inches, or two (2) times the diameter of the pipe, whichever is the greater, above the top or rim of the tank and under any condition shall be sufficiently high to prevent back siphoning. Such tanks shall not be located where they are subject to flooding. Plans and specifications for such an installation shall be approved in writing by the ~~superintendent~~ director of the waterworks and the department of inspections before such work begins, and the installation shall be subject to the city plumbing inspector's inspection and approval before city water will be connected. All such nonpressure potable water supply tanks shall be properly covered to prevent entrance of foreign material into the water supply. Soil or waste lines shall not be permitted to pass directly over such tanks or over manholes in pressure tanks.

Section 19. That Section 509.1220 of the above-entitled ordinance be amended to read as follows:

~~509.1220~~ 509.1270. Direct connection of system to various fixtures and appliances. No pipe or system of piping which receives its supply from the Minneapolis waterworks system or any other potable water shall be directly connected to any processing tank, vat, mixer, cooker or washer, pump appliance, or equipment used for storing, holding or conveying fluids or materials or for manufacturing or food processing, or washing purposes. Such appliance and equipment shall be supplied from the Minneapolis water system through an open funnel connection or from a tank supplied with city water admitted to such tank through a pipe terminating not less than six (6) inches above the top or rim of such tank; or through a pipe protected by an approved vacuum breaker; or by any other method acceptable to the department of inspections. No pipe or system of piping in any building or structure, or premises which receives its supply from the Minneapolis waterworks system shall be directly connected to any device, appliance or apparatus in which such water supply is used to provide power through a water jet or other device to create vacuum with which to operate any cellar drain, ejector, cleaner, sweeper, conveyor or washer of any kind or description.

Section 20. That Section 509.1230 of the above-entitled ordinance be amended to read as follows:

~~509.1230~~ 509.1280. Secondary water. Secondary water is any water from a system of water pipes or piping which receives its water supply from rivers, cistern or any groundwater or rainwater reservoir; the secondary water is also water from the mains of the Minneapolis waterworks system which has been used for any purpose within any building, structure or premises which has been discharged from any type of condenser coils or cooling system, hydraulic lifts, boilers, linotype machines, die casting machines or apparatus or which has been stored in such a manner as to expose it to possible contamination. No secondary water shall in any way be piped or conveyed into the water supply system of any building, structure or premises to become a part of or mixed with the fresh water supply from the mains of the Minneapolis waterworks system. No pipe or other conduit which conveys secondary water shall be cross connected to the potable water system.

Section 21. That Section 509.1240 of the above-entitled ordinance be amended to read as follows:

~~509.1240~~ 509.1290. Compliance with plumbing code. All materials and methods of installation for the water supply system shall be made in accordance with the provisions of the Minneapolis Plumbing Code.

Section 22. That Section 509.1250 of the above-entitled ordinance be amended as follows and by deleting the title of subdivision 509.1260, entitled "**509.1260. Storage tanks**," and incorporating the remaining language as follows:

509.1250 509.1300. Hot water relief valves. All equipment for heating and storage of hot water for domestic or commercial purposes, when installed, repaired, relocated, replaced or reconnected, shall be equipped with a listed and approved relief valve.

509.1260. Storage tanks. All direct fired storage water heaters, electric storage water heaters and hot water storage tanks, shall be provided with a combination temperature and pressure relief valve, or a separate pressure relief valve and a separate temperature relief valve. The temperature relief element shall be of the full automatic reseating type with test lever, be factory adjusted to open for relief of hot water from the system at or before the maximum system temperature reaches two hundred ten (210) degrees Fahrenheit. It shall have a relieving capacity equal to or greater than, the heater Btu input rating.

All combined temperature and pressure relief valves and all temperature only relief valves shall be installed with the temperature sensing element immersed in the hottest water, within the upper six (6) inches of the tank. Valves without extended temperature sensing elements shall only be installed directly in a tank tapping in the upper six (6) inches of the tank.

The pressure relief element shall be of the direct acting spring loaded type with test lever. It shall be set to start opening at a pressure not exceeding the working pressure of the tank or heater and shall have a capacity which will limit the pressure rise to not over ten (10) per cent of its set pressure. Pressure relief valves may be installed directly in a tank tapping in the top of the tank or heater or may be installed in either the hot or cold water line, as near as possible to the tank or heater.

Relief valves shall have not less than three-fourths-inch inlet and outlet connections when used with water heating equipment having an input of fifteen thousand (15,000) Btu or more.

Section 23. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new section 509.1310 to read as follows:

509.1310. Storage tanks. The engineering standards of boilers and pressure vessels for use in any building or structure using water supplied by the Minneapolis waterworks, shall be that established by the current edition of the construction, operation and care of, in-service inspection and testing, and controls and safety devices codes of the American Society of Mechanical Engineers and amendments thereto.

Section 24. That Section 509.1270 of the above-entitled ordinance be amended to read as follows:

509.1270 509.1320. Tankless heaters. All indirect heaters, instantaneous heaters, and tankless heaters shall be provided with a pressure relief valve. Each pressure relief valve shall have the respective features and be installed as described in section ~~509.1260~~ **509.1300**.

Section 25. That Section 509.1280 of the above-entitled ordinance be amended to read as follows:

509.1280 509.1330. Relief valve drain. All temperature and pressure relief valves shall have a drain or discharge pipe connected same size as the discharge opening. It shall terminate atmospherically with an unthreaded end, not more than eighteen (18) inches above the floor in a place that will not harm persons or property.

Section 26. That Section 509.1290 of the above-entitled ordinance be amended to read as follows:

~~509.1290~~ 509.1340. Marking, approval of relief valves. Relief valves shall be clearly marked with the following information: Manufacturer's name, type and model number of the device, the set opening temperature, the set opening pressure and the Btu relieving capacity of the valve.

All relief valves shall be certified or listed by one or more of the following organizations: American Gas Association, American Society of Mechanical Engineers, National Board of Boiler and Pressure Vessel Inspectors, or other testing agency approved by the department of inspections.

Section 27. That Section 509.1300 of the above-entitled ordinance be amended to read as follows:

~~509.1300~~ 509.1350. Inspection and tests. The plumber shall notify the department of inspections whenever the water distribution system for which a permit has been issued is ready for inspection and test by registering the number of the permit and the location of the work in the register book. The register book is kept for that purpose in the office of the director of inspections. The entire water distribution system shall be tested in the presence of the plumbing inspector under a water or air pressure not less than the working pressure under which it is to be used, and found to be perfectly tight and installed in accordance with provisions of this article.

Section 28. That Section 509.1310 of the above-entitled ordinance be amended to read as follows:

~~509.1310~~ 509.1360. Sill cocks. Each sill cock shall have a separate accessible stop and waste valve.

Section 29. That Section 509.1320 of the above-entitled ordinance be amended to read as follows:

~~509.1320~~ 509.1370. Drain cocks. All storage tanks shall be equipped with drain cocks with minimum diameter of one-half inch.

Section 30. That Section 509.1330 of the above-entitled ordinance be amended to read as follows:

~~509.1330~~ 509.1380. Materials for water pipe. Water pipe and fittings shall be of brass, copper, cast iron, galvanized wrought iron or steel.

Section 31. That Section 509.1340 of the above-entitled ordinance be amended to read as follows:

~~509.1340~~ 509.1390. Screwed joints. All screw joints shall be American Standard screw joints and all burrs or cutting shall be removed and the end thoroughly reamed before the joints are made up.

Section 32. That Section 509.1350 of the above-entitled ordinance be amended to read as follows:

~~509.1350~~ 509.1400. Copper tube. Copper tube for water distribution shall conform to American Society for Testing Materials "Standard Specification for Copper Water Tube" (Serial designation B 88-85). Copper tube for water distribution piping above ground shall have a weight of not less than that of copper water tube Type L. Copper tube for water distribution underground piping shall have a weight of not less than that of copper water tube Type K.

Section 33. That Section 509.1360 of the above-entitled ordinance be amended to read as follows:

~~509.1360~~ 509.1410. Marking copper tube for identification. Copper tube shall be marked for identification in accordance with the following standards:

Standard ink colors shall be used as follows: Type K, green; Type L, blue. Color marking shall not be less than one-fourth inch in width and shall be continuous for the full length of the tube.

Incised marking, as required in American Society for Testing Materials "Standard Specification for Copper Water Tube" (Serial designation B 88-85) shall be retained in addition to color marking.

Section 34. That Section 509.1370 of the above-entitled ordinance be amended to read as follows:

~~509.1370~~ 509.1420. Soldering or sweating. Soldering or sweat joints for copper tubing shall be made with approved fittings as herein listed. Surfaces to be soldered or sweated shall be mechanically cleaned bright. The joints shall be properly fluxed with noncorrosive flux and made with approved solder. Joints in copper tubing shall be made by the appropriate use of approved brass or copper fittings, properly sweated, soldered or brazed together.

Section 35. That Section 509.1380 of the above-entitled ordinance be amended to read as follows:

~~509.1380~~ 509.1430. Flared joints. Flared joints for soft copper water tubing shall be made with fittings meeting the standards in section ~~509.1390~~ 509.1440. The tubing shall be reamed and expanded with a proper tool; provided, however, all concealed tubing shall be soldered or brazed.

Section 36. That Section 509.1390 of the above-entitled ordinance be amended to read as follows:

~~509.1390~~ 509.1440. Copper fittings standards. Standards for copper fittings shall be as follows:

Copper Brass Solder Joint Fittings--American Standards Association B 16.18-1950.

Wrought Copper Solder Joint Fittings--American Standards Association B 16.22-1951.

Brass Fittings for Flared Copper Tube--American Standards Association B 16.25-1958.

Section 37. That the number of Article X, Chapter 509 of the Minneapolis Code of Ordinances be amended to read as follows:

ARTICLE ~~X~~ XI. SPRINKLING DURING SHORTAGES*

Section 38. That Section 509.1420 of the above-entitled ordinance be amended to read as follows:

~~509.1420~~ 509.1470. Water use limited during emergency period. No person shall draw or use water from the city water mains or city waterworks system other than as permitted by the declaration of emergency during any period of emergency caused by shortage of water supply or lowering of water pressure in the water mains of the city.

Section 39. That Section 509.1430 of the above-entitled ordinance be amended to read as follows:

~~509.1430~~ 509.1480. Declaration of emergency. The city engineer or the appointed representative of the city engineer shall declare the existence of such an emergency as and when

it may become necessary, shall determine the period of such an emergency and the termination thereof, shall decide the daily hours of restriction, the method of restriction, and shall decide upon the proper notification to customers of such restrictions.

Section 40. That Section 509.1440 of the above-entitled ordinance be amended to read as follows:

509.1440 509.1490. Penalty Administrative fee. For a first violation of the declaration of emergency, the occupant of the premises or the owner thereof will receive a warning of the offense. Subsequent violations of the declaration of emergency will result in a turnoff of the water supply to the premises. Written notice posted on the premises at the time of the violation will be considered sufficient notice prior to turnoff of the water supply. No water supply which has been turned off because of a violation of this article shall be turned on until twenty-five dollars (\$25.00) has been paid to the Minneapolis ~~Waterworks Department~~ Waterworks Department division, together with the regular charge for turning off and on water service. The city engineer may, in the event of demonstrated economic hardship, waive a portion of the twenty-five dollar (\$25.00) ~~penalty administrative fee~~, but not exceeding fifteen dollars (\$15.00). The violation may also be subject to the penalties in Chapter 1 of this Code.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998. J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 98-Or-136

By Mead

Intro & 1st Reading: 10/2/98

Ref to: T&PW

2nd Reading: 11/13/98

Amending Title 19, Chapter 511 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Sewers and Sewage Disposal.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 511.80 of the above-entitled ordinance be amended to read as follows:

511.80. Rules for sewer connections. The following rules must be observed and carried out in all work relating to sewer connections:

(a) Connections with sewers must be made with the slant already put in by the city. Deviations from this requirement may be made if the city engineer ~~thinks best, but his gives~~ written consent must be obtained before any such change is made.

(b) Any new connections must be made within the middle third of the interior height of the sewer connected with.

(c) All connection pipes must be laid in a true line from the sewer to the curb ~~; in an open trench and before any refilling is done.~~

~~(d) All the connection pipe must be enveloped in clean sand to a thickness of four (4) inches.~~

~~(ed) All joints of clay sewer pipe must be made with good cement mortar, and all joints of cast iron sewer pipe must be caulked with oakum and lead, in the best manner and to the satisfaction of the city engineer.~~

(fe) After the pipe is properly laid and inspected, the refilling must proceed at once and it must be thoroughly tamped ~~or puddled or both~~, and so done that there shall be no surplus earth left.

(gf) Should there be a deficiency of earth to fill the excavation, then the plumber or person doing such work must supply such deficiency with clean sand or other approved material.

(h g) No rock of any sort larger than four (4) inches in any direction ~~must~~ may be put into any excavation.

(i) ~~In all streets which are paved or which have been ordered paved by the city council, such refilling shall be made with clean sand or gravel properly tamped or puddled and all excess material shall be removed from the street, and the city engineer in repaving paved streets shall cut back the concrete a distance of at least one foot from the edge of the excavation.~~

(h) Right-of-way restoration shall be done in accordance with section 430.70. Such restoration shall assure that the general area is returned to the same condition that existed before the commencement of the work and that the work is performed in accordance to the standards and with the materials specified by the city engineer.

(ji) All work must be done under the supervision of an inspector named by the city engineer.

(kj) Any sanitary sewer pipe installed between the city sewer main and the property line must be laid at a depth of not less than nine (9) feet as measured to the top of the pipe at the curb line. Any sanitary sewer pipe installed between the property line and the building line must be laid at a depth of not less than seven (7) feet as measured to the top of the pipe at the building line.

Section 2. That Section 511.100 of the above-entitled ordinance be amended to read as follows:

511.100. Notice when connection ready for inspection. The person who is to make the connection with any sewer or drain shall give ~~five (5) hours'~~ notice at the office of the city engineer when such work ~~will be~~ is ready for inspection. ~~previous to making said connection. This notice must be made in writing and so left between the hours of 8:00 a.m. and 12:00 noon, or 1:00 p.m. and 5:00 p.m.~~

Section 3. That Section 511.110 of the above-entitled ordinance be amended to read as follows:

511.110. Underground connection required. ~~All new buildings, such as hotels, boardinghouses, taverns, eating houses, barbershops, livery stables, dyeing and scouring rooms, and factories located on adjacent~~ to streets, avenues or alleys where sewers are laid shall be provided with underground drain connections with the sewer, for the purpose of carrying off the waters or ~~liquors~~ liquids that would otherwise be discharged on the sidewalks, or in the gutters, of the street or alleys, by the conductors and downspouts of the building, or by the pipes, draining sinks or other receptacles of water within the premises; and every owner of any such building shall provide for and construct such underground sewer connection. The city council may relieve any person from the requirements of this section.

The director of inspections shall give notice to all parties affected by this section to comply with the provisions set forth herein to make underground connections with the public sewer within thirty (30) days thereafter; any person failing to make such connection within thirty (30) days after being so notified shall be guilty of a breach of this section.

Section 4. That Section 511.200 of the above-entitled ordinance be amended to read as follows:

511.200. Action on application. Upon the filing of such application and the payment of the fees herein provided for, the city engineer shall, within a reasonable time, cause the premises and their available sewer system to be inspected and surveyed. The city engineer shall then solely and from the findings so obtained determine upon such what changes or alterations in such the

sewer system ~~as in his opinion~~ shall be necessary before issuing an approval of the application. No such approval shall be issued where the capacity of the public sewer system within the particular sewer district is insufficient, or where the additional demand and service caused by the use of such commercial garbage grinder is likely to impair the efficiency of the sewer system.

Section 5. That Section 511.280 (c) of the above-entitled ordinance be amended to read as follows:

511.280. Definitions. (a) *Operation and maintenance*: Activities required to provide for the dependable and economical functioning of the sanitary sewer system, throughout the design or useful life, whichever is longer of the sanitary sewer system, and at the level of performance for which the sanitary sewer system was constructed. Operation and maintenance includes replacement.

(b) *Replacement*: Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the sanitary sewer system to maintain the capacity and performance for which such system was designed and constructed.

(c) *Sewer service utility charge*: The aggregate of all charges, including charges for billing, metering, operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the city's wastewater disposal system.

Section 6. That Section 511.290 of the above-entitled ordinance be amended to read as follows:

511.290. Sewer service utility charges. For the purpose of paying the cost of operation and maintenance of the storm water drainage system and sewage disposal system, including the sewage treatment works and sewer system; for the cost of construction of such sewage disposal system, including the principal and interest on bonds sold for such construction; and for paying Minneapolis' share of the ~~m~~Metropolitan waste control commission's Council Environmental Services' annual budget as provided in Chapter 473, Minnesota Statutes, a sewer service utility charge shall be levied and assessed against every lot, parcel of land, building or premises now or hereafter having connection to the Minneapolis sewer system or otherwise discharging domestic sewage, commercial or industrial waste water, or other liquid, gaseous, or solid wastes either directly or indirectly to the Minneapolis sanitary sewer system. Such sewer service utility charges shall be based on the volume of such sewage into the city sewer system as measured or as determined by the volume of water use. ~~In addition, the costs of operating and maintaining the city's sanitary sewer system shall be recovered on the basis of actual use in accordance with regulations established pursuant to the Federal Clean Water Act.~~

Section 7. That Section 511.310 of the above-entitled ordinance be amended to read as follows:

~~511.310~~ 511.315. Sewer rental rate established through December 31, 1998. The rental rate to be charged property within the City of Minneapolis, and property without the City of Minneapolis sewer system and which are served directly by the City of Minneapolis sewer system and which are all served either directly or indirectly by the sewage disposal system constructed, maintained and operated by the ~~m~~Metropolitan waste control commission Council Environmental Services under and pursuant to Minnesota Statutes Sections 473.517, 473.519 and 473.521, Sub. 2, is hereby fixed ~~through December 31, 1998~~, as follows:

(a) The sewer rental rate applicable inside the City of Minneapolis for the first one hundred thousand (100,000) cubic feet generated per month is two dollars and fifty-one cents (\$2.51) per one hundred (100) cubic feet; for the next nine hundred thousand (900,000) cubic feet per month, two dollars and forty-eight cents (\$2.48) per one hundred (100) cubic feet; for the next one million (1,000,000) cubic feet per month two dollars and forty-five cents (\$2.45) per one hundred (100)

cubic feet; for the next one million (1,000,000) cubic feet per month two dollars and forty-two cents (\$2.42) per one hundred (100) cubic feet; for amounts over three million (3,000,000) cubic feet per month two dollars and thirty-nine cents (\$2.39) per one hundred (100) cubic feet. The sewer rental rate applicable outside the City of Minneapolis for all sewage flow generated is two dollars and fifty-one cents (\$2.51) per one hundred (100) cubic feet.

(b) The minimum sewer rental rate shall be six dollars (\$6.00) per quarter within the City of Minneapolis and eighteen dollars (\$18.00) per quarter outside the limits of Minneapolis. Sewer rental service without water service outside the limits of Minneapolis shall be twelve dollars (\$12.00) per month or thirty-six dollars (\$36.00) per quarter.

(c) The sewer ~~rental~~ charge for residential property not exceeding two (2) residential units shall be based on the volume of water used during the winter quarter season which is defined as a three-month period between October 1 and March 31.

(d) The sewer rental charge for residential property exceeding two (2) residential units and all other commercial and industrial property shall be based on measured sewage volume or the total water volume used during the billing period as is appropriate.

(e) The foregoing rates shall be applied to sewer rental billings for water meters read from and after January 1, 1998, and a penalty of five (5) percent shall be imposed for failure to pay such rental charges in full on the last due date shown on such bills.

(f) The same administrative procedures for payments, delinquencies and service termination shall be applied to sewer rental charges as are applied for water use under sections 509.1030--509.1042 of the Minneapolis Code of Ordinances.

(g) Pursuant to Minnesota Laws 1973, Chapter 320, whenever payment remains in default for sewage disposal services furnished to real property by the city, the city council may annually levy an assessment equal to such unpaid costs including penalty and interest against each property so served and upon which the service utility charge is unpaid.

This section shall be rescinded on midnight of December 31, 1998.

Section 8. That Chapter 511 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 511.310 to read as follows:

511.310. Sewer rental rates established. Sewer rental rates shall be set by city council resolution to be effective beginning January 1, 1999, and as revised thereafter.

The same administrative procedures for payments, delinquencies and service termination shall be applied to sewer rental charges as are applied for water use under Chapter 509 of the Minneapolis Code of Ordinances.

Pursuant to Minnesota Laws 1973, Chapter 320, whenever payment remains in default for sewage disposal services furnished to real property by the city, the city council may annually levy an assessment equal to such unpaid costs including penalty and interest against each property so served and upon which the utility charge is unpaid.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget – Your Committee recommends acceptance of the low bid received on OP #4968 (Petr No 264296) submitted by Sowles Company, in the amount of \$169,200, for furnishing all labor, materials, equipment and incidentals necessary to accomplish structural steel and shotcrete for a coal bunker roof at Pump Station No. 4 for the Public Works Water Department, all in accordance with City specifications.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the recommendation of the City Engineer to reject bids which were received for the Central Neighborhood-Healy Block Extension Pedestrian Lighting Project, now recommends that the Council action of September 18, 1998 accepting the low bid of Northern States Power Company in the amount of \$279,000 on OP #4945 for furnishing, delivering and installing lighting be rescinded because it has been determined that said bid does not meet project specifications.

Your Committee further recommends that the proper City officers be authorized to establish a rebid for said project.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the City's contract with Wunderlich-Malec Engineering for electrical, engineering and heating, ventilating and air conditioning services for the Water Works Pump Station No. 9 project, now recommends that the proper City officers be authorized to execute an amendment to said Contract #10968 increasing the amount from \$28,500 to an amount not to exceed \$49,365. Said increase is necessary due to an increase in the scope of the project.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET**

Committee submitted the following reports:

W&M/Budget – Your Committee, to whom was referred an Ordinance amending Title 2, Chapter 20 of the Minneapolis Code of

Ordinances relating to **Administration:**

Personnel, now recommends that said Ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described Ordinance.

Adopted. Yeas, 12; Nays none.

Declining to Vote – Biernat.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-137, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, amending Section 20.430, to authorize a severance pay plan; adding a new Section 20.455 requiring employment contracts for appointed employees, authorizing payment of severance to appointed employees who are removed from their position and releasing the City from all claims; and amending Section 20.460, terminating the current plan as of December 31, 1998, was passed November 13, 1998, by the City Council and approved November 18, 1998, by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 98-Or-137

By Campbell

Intro & 1st Reading: 10/23/98

Ref to W&M/Budget

2nd Readings: 11/13/98

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 20.430 of the above-entitled ordinance be amended to read as follows:

20.430. Establishment of plan. Officers and employees of the city who retire from positions under council jurisdiction in the qualified service, who meet the requirements

set out in this article, shall be paid a severance pay allowance in the manner and amount set forth herein. Pursuant to Minnesota Statutes Section 465.72, all full-time non-represented appointed employees, except for those employees in the council and mayor's offices, are eligible for the severance pay plan in section 20.455 of this Code.

Section 2. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 20.455 to read as follows:

20.455. Severance pay for appointed employees. (a) Beginning January 1, 1999, and each year thereafter, all full-time appointed employees who are not represented through a collective bargaining agreement with the city, excluding those appointees in the council and mayor's offices, shall enter into an employment contract with the city. The annual employment contract shall set forth all the terms and conditions of employment, including, except for those employees who are appointed for a term, the condition of employment that the employee is "at will" and may be removed from service by the appointing authority with or without cause. The employment agreement shall provide that if the employee is removed from the employee's position, other than for malfeasance, misfeasance or nonfeasance in office, the employee shall receive a lump sum payment equal to fifty (50) percent of the employee's annual salary. The payment of this severance pay is conditioned upon the employee agreeing to release the city from any and all causes of action or claims the employee may have against the city and complying with all applicable notice, waiver and rescission provisions in federal and state law. Severance payments under this section shall be paid within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods. Employees who elect to not execute a general release of causes of action or claims have no right to any severance payment under this section. In no event shall any severance payment exceed the amount allowed under Minnesota law.

(b) Those appointed employees that execute the release described in paragraph (a) and subsequently return to or accept another city position shall receive as severance pay an amount equal to the difference between

the annual salary in the position from which the employee was terminated and the annual salary for the position into which the employee is reemployed up to the maximum allowed in paragraph (a).

Section 3. That Section 20.460 (d) of the above-entitled ordinance be amended to read as follows:

20.460. Severance pay for at-will employees.

(d) This plan shall be effective on September 1, 1994, but shall not apply to charter department heads appointed prior to the effective date. This plan expires for all full-time appointed employees December 31, 1998, except for those appointed employees who are terminated prior to that date.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration clean-up of the Schnitzer Iron and Metal site, in partnership with the City of St. Paul and the University of Minnesota, now recommends approval and confirmation of the City's acceptance of cost recovery monies from the Metropolitan Council, in the amount of \$185,000.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the Workers' Compensation claims of Penny L. Behrens against the City of Minneapolis be settled in accordance with the terms and conditions set forth in a letter from the City Attorney's Office to Council Member Campbell dated November 2, 1998, Petn No 264300, in the amount of \$200,500, payable from 690-145-1451-4000.

Your Committee further recommends that the proper City officers be authorized to sign an Assignment and Release document, transferring liability for payment from the City to Safeco National Life Insurance Company and

authorizing Safeco National Life Insurance Company to purchase the annuity contract from Safeco Life Insurance Company.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration the Convention Center Expansion Project, now recommends approval of the proposed Change Management Procedures for the City of Minneapolis to allow appropriate City representatives to manage and control project changes up to a specific monetary threshold, as more fully set forth in Petn No 264301 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas – Colvin Roy, Herron, Mead, McDonald, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Goodman, Cherryhomes.

Nays – Minn.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration required software maintenance support for the 911 Computer Aided Dispatch (CAD) software system for the Minneapolis Emergency Communications Center (MECC) and a request to waive the master contract submission requirements in order to add Third Wave Partnership to the City's Master Contract Vendor List to provide said required support, now recommends approval of the proposed waiver, with the understanding that the waiver is consistent with the City's Master Contract Policy.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends approval to issue a Request for Proposals for event management software to replace the obsolete and cumbersome system currently in use at the Minneapolis Convention

Center, with the understanding that said software was included in the 1998 Capital budget for the Minneapolis Convention Center and no additional funding is being requested.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that a lawsuit filed against the City be settled and be payable to Lorenzo Harris and his attorney, Michael Dougherty, in the amount of \$10,400, from the self-insurance fund (690-150-1500-8150).

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to submit a grant application to the United States Department of Labor for the Youth Offenders Demonstration Project Grant, in the amount of \$300,000, to work with local youth service providers to strengthen the coordination of prevention and recovery services for youth offenders.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute Amendment #2 to Contract #12874 with Robert Alfton to continue to provide legal assistance relating to the Convention Center Expansion Project, increasing the amount by \$35,000, for a new contract total of \$85,000, payable from Permanent Improvement Projects Fund – Convention Center Site (4100-975-9751).

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a Memorandum of Understanding with the Minneapolis Park Board to provide Phillips Neighborhood Weed and Seed funds for implementation of a Security Detail and Street Level Drug Dealing Enforcement Program, by Park Board police officers, focusing directly within Peavey Park, for a period of approximately 12 days, as scheduled by the Park Board, in the amount of \$8,400.

Your Committee further recommends passage of the accompanying Resolution transferring funds from the Phillips State Weed and Seed Non-Departmental Agency Appropriation to the Minneapolis Park Police Program.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-446
By Campbell**

**Amending The 1998 General
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

a) decreasing the appropriation for the Non-Departmental Agency in the Grants – Other Fund (0600-123-1230-5130) by \$8,400; and

b) increasing the appropriation for the Interfund Transfer Agency in the Grants – Other Fund (0600-127-1270-9075) by \$8,400.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends acceptance of the 1998-1999 United States Department of Justice Executive Office of Weed & Seed funds, in the amount of \$150,000, to be used for the Phillips Neighborhood Weed & Seed site.

Your Committee further recommends that the proper City officers be authorized to execute the required grant agreement(s).

Your Committee further recommends passage of the accompanying Resolution increasing the Non-Departmental Agency Appropriation by \$150,000.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-447
By Campbell**

**Amending The 1998 General
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Non-Departmental Agency in the Federal Grants Fund (0300-123-1230) by \$150,000 and increasing the Non-Departmental Agency revenue estimate in the Federal Grants Fund (0300-123-1230-Source 3210) by \$150,000.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration a request from the Mayor to include in the City's November/December 1998 utility billings a message relating to the holiday shopping campaign entitled, "Minneapolis Unwrapped," now recommends approval for said inclusion.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends acceptance of the only bid received on OP #4972 (Petr No 264308), submitted by Norstan Communications, for an estimated annual expenditure of \$200,000 for

furnishing and delivering comprehensive maintenance and upgrades for the Siemens Rolm Telecommunications System (PBX), all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said service.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends approval of the labor agreement settlement with the International Union of Operating Engineers, Local Union #49, AFL-CIO, as more fully set forth in Petn No 264306 on file in the Office of the City Clerk, which summarizes the major proposed terms of said agreement.

Your Committee further recommends that the proper City officers be authorized to execute a contract to reflect the terms of said agreement, to be effective for the period from April 12, 1998 through December 31, 2000.

Your Committee further recommends passage of the accompanying amendments to the Salary Ordinance providing for implementation of salary adjustments, as set forth in said labor agreement.

Your Committee further recommends summary publication of the above-described Ordinance.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-138, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, providing for salary adjustments based on the labor agreement settlement with the International Union of Operating Engineers, Local Union #49, AFL-CIO, was passed November 13, 1998, by the City Council and approved November 18, 1998, by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 98-Or-138

By Campbell

1st & 2nd Readings 11/13/98

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective April 12, 1998:

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective as of April 12, 1998, May 1, 1998, July 1, 1998, November 30, 1998, April 12, 1999, May 1, 1999, January 1, 2000, April 12, 2000, and May 1, 2000, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have

since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from service by voluntary resignation or through fault or delinquency on the part of such employee.

The rates stated herein shall be the hourly pay rates unless stated otherwise.

International Union of Operating Engineers, Local 49 (CEQ)
Effective April 12, 1998

FLSA	OTC	CODE	CLASSIFICATION	P	1st Six Months	1st STEP	2nd STEP	3rd STEP
N	2	01170C	Auto Body Repair Worker-Painter	H	15.03	17.68	18.29	18.91
N	2	01180C	Automotive Mechanic	H		18.91		
N	2	01340C	Blacksmith	H	15.03	17.68	18.29	18.91
N	2	02560C	Construction Equipment Oiler	H	13.61	16.00	16.51	17.04
N	2	02520C	Construction Equipment Operator/Oiler	H		18.94		
N	2	04520C	Foreman, Auto Mechanic	H		19.92	20.54	21.46
N	2	04820C	Foreman, Paving Products Plant	H		19.92	20.54	21.46
N	2	07060C	Mechanic Helper	H	13.67	16.11	16.69	17.28
N	2	07920C	Plant Operator, Paving Products	H		17.68	18.29	18.91
N	2	07930C	Plant Repair Worker	H		17.68	18.29	18.91
N	2	10960C	Welder (working in shop)	H	14.35	17.68	18.29	18.91
N	2	10980C	Welder Mechanic Public Works	H	14.48	17.14	17.74	18.37
N	2	2620C	Construction Equipment Operator/Oiler Apprentice					
			0-1000 hours	H	10.67			
			1001-2000 hours	H	12.45			
			2001-3000 hours	H	14.23			
			3001-4000 hours	H	16.01			

Provided that current City employees participation in the Construction Equipment Operator/Oiler Apprenticeship program shall receive the wage afforded their previous position, or the top step Construction Equipment Operator/Oiler rate, whichever is lesser, until such time as the apprenticeship wage exceeds their previous rate or until they complete the program.

Provided that new employees hired into classifications with six-month rates shall remain in the six-month rate until they have 1044 hours of actual work according to present policies governing probationary periods and incremental increases, subject to a maximum of 80 hours per pay period.

Provided that Automotive Mechanics assigned and working on an "outside truck" shall be paid a premium of fifty cents (\$.50) per hour. This premium shall be limited in its application to a total cost to the city of up to four (4) full time equivalents.

Provided that when Construction Equipment Operator/Oilers are assigned to work performed in an underground tunnel, they shall be paid a premium of thirty cents (\$.30) per hour.

Provided that when employees are assigned to work in a Hazwoper area (OSHA defined), they shall receive a Hazwoper premium based on OSHA limits:

Level I - \$.30
 Level II - \$.50
 Level III - \$.75

Provided that one dollar (\$1.00) per hour shall be added to the Construction Equipment Operator/Oiler base rate of pay when assigned to "A" rated machines [Stationary Concrete Plant (Over 34 E); Power Dredge; Concrete Paver; Power Shovel; Dragline; Clamshell; Motor Grader (except winter maintenance); Asphalt roller (over 6 tons); Slip-Form Curb Machine; Loader (4 1/2 yards & above); Bituminous Spreader & Finisher.]

Provided that when Construction Equipment Operator/Oilers are assigned to work on a Crawler Hoe, they shall be paid a premium of \$1.50 per hour for all hours on the equipment.

Provided that when Construction Equipment Operator/Oilers are assigned on work on a Cable Crane or Boom Truck, they shall be paid a premium of \$2.00 per hour for all hours on the equipment.

Provided that employees shall receive the following longevity:
 These payments shall be based on a maximum of 80 hours biweekly:

15 cents per hour additional at the beginning of the 10th year of service
 22 cents per hour additional at the beginning of the 15th year of service
 33 cents per hour additional at the beginning of the 20th year of service
 39 cents per hour additional at the beginning of the 25th year of service

Section 2. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective May 1, 1998:

International Union of Operating Engineers, Local 49 (CEQ)
 Effective May 1, 1998

Permit rates of pay for maintenance and capital funded projects:

FLSA	OTC	CODE	CLASSIFICATION	RATE /HOUR	T.TAX /HOUR	FRINGE HOUR	TOTAL /HOUR
N	2	02460C	Con. Equipment Operator (A)	22.32	20.09	6.90	26.99
N	2	02470C	Con. Equipment Operator (B)	22.14	19.93	6.90	26.83
N	2	02480C	Con. Equipment Operator (C)	22.02	19.82	6.90	26.72

N	2	02490C	Con. Equipment Operator (D)	19.08	17.17	6.90	24.07
N	2	02500C	Con. Equipment Operator (E)	18.98	17.08	6.90	23.98
N	2	02540C	Con. Equip. Operator-Oiler	17.77	15.99	6.90	22.89
N	2	02550C	Con. Equip. Oiler -Truck Crane	17.87	16.08	6.90	22.98

Section 3. That the following classifications in Section 20.10.01 of the aboveentitled ordinance be amended to make the following changes effective July 1, 1998:

International Union of Operating Engineers, Local 49 (CEQ)
Effective July 1, 1998

FLSA	OTC	CODE	CLASSIFICATION	P	1st STEP
N	2	01180C	Automotive Mechanic	H	19.06

The hourly rate of \$19.06 includes a \$.15 wage replacement in lieu of a Tool Allowance.

Section 4. That the following classifications in Section 20.10.01 of the aboveentitled ordinance be amended to make the following changes effective November 30, 1998:

International Union of Operating Engineers, Local 49 (CEQ)
Effective November 1, 1998

Provided that when employees are assigned to work the night or weekend shift, they shall be paid a night/weekend shift differential of \$.90 per hour.

Section 5. That the following classifications in Section 20.10.01 of the aboveentitled ordinance be amended to make the following changes effective April 12, 1999:

International Union of Operating Engineers, Local 49 (CEQ)
Effective April 12, 1999:

FLSA	OTC	CODE	CLASSIFICATION	P	1st Six Months	1st STEP	2nd STEP	3rd STEP
N	2	01170C	Auto Body Repair Worker-Painter	H	15.40	18.12	18.74	19.38
N	2	01180C	Automotive Mechanic	H		19.54		
N	2	01340C	Blacksmith	H	15.40	18.12	18.74	19.38

The hourly rate of \$19.54 includes a \$.15 wage replacement in lieu of a Tool Allowance.

N	2	02560C	Construction Equipment Oiler	H	13.95	16.40	16.93	17.47
N	2	02520C	Construction Equipment Operator/Oiler	H		19.41		
N	2	04520C	Foreman, Auto Mechanic	H		20.41	21.05	22.00
N	2	04820C	Foreman, Paving Products Plant	H		20.41	21.05	22.00
N	2	07060C	Mechanic Helper	H	14.02	16.52	17.10	17.71
N	2	07920C	Plant Operator, Paving Products	H		18.12	18.74	19.38
N	2	07930C	Plant Repair Worker	H		18.12	18.74	19.38
N	2	10960C	Welder (working in shop)	H	14.71	18.12	18.74	19.38
	2	10980C	Welder Mechanic Public Works	H	14.85	17.57	18.19	18.83
N	2	2620C	Construction Equipment Operator/Oiler Apprentice					
			0-1000 hours	H		10.94		
			1001-2000 hours	H		12.77		
			2001-3000 hours	H		14.58		
			3001-4000 hours	H		16.41		

Provided that current City employees participation in the Construction Equipment Operator/Oiler Apprenticeship program shall receive the wage afforded their previous position, or the top step Construction Equipment Operator/Oiler rate, whichever is lesser, until such time as the apprenticeship wage exceeds their previous rate or until they complete the program.

Provided that new employees hired into classifications with six-month rates shall remain in the six-month rate until they have 1044 hours of actual work according to present policies governing probationary periods and incremental increases, subject to a maximum of 80 hours per pay period.

Provided that Automotive Mechanics assigned and working on an "outside truck" shall be paid a premium of fifty-one cents (\$.51) per hour. This premium shall be limited in its application to a total cost to the city of up to four (4) full time equivalents.

Provided that when Construction Equipment Operator/Oilers are assigned to work performed in an underground tunnel, they shall be paid a premium of thirty-one cents (\$.31) per hour.

Provided that when employees are assigned to work in a Hazwoper area (OSHA defined), they shall receive a Hazwoper premium based on OSHA limits:

- Level I - \$0.31
- Level II - \$0.51
- Level III - \$0.77

Provided that one dollar and three cents (\$1.03) per hour shall be added to the Construction Equipment Operator/Oiler base rate of pay when assigned to "A" rated machines [Stationary Concrete Plant (Over 34 E); Power Dredge; Concrete Paver; Power Shovel; Dragline; Clamshell; Motor Grader (except winter maintenance); Asphalt roller (over 6 tons); Slip-Form Curb Machine; Loader (4 1/2 yards & above); Bituminous Spreader & Finisher.]

Provided that when Construction Equipment Operator/Oilers are assigned to work on a Crawler Hoe, they shall be paid a premium of \$1.54 per hour for all hours on the equipment.

Provided that when Construction Equipment Operator/Oilers are assigned on work on a Cable Crane or Boom Truck, they shall be paid a premium of \$2.05 per hour for all hours on the equipment.

Provided that when employees are assigned to work the night or weekend shift, they shall be paid a night/weekend shift differential of \$.92 per hour.

Provided that employees shall receive the following longevity:
These payments shall be based on a maximum of 80 hours biweekly:

15 cents per hour additional at the beginning of the 10th year of service
23 cents per hour additional at the beginning of the 15th year of service
34 cents per hour additional at the beginning of the 20th year of service
50 cents per hour additional at the beginning of the 25th year of service

Section 6. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective May 1, 1999:

International Union of Operating Engineers, Local 49 (CEQ)
Effective May 1, 1999

Permit rates of pay for maintenance and capital funded projects:

FLSA	OTC	CODE	CLASSIFICATION	RATE /HOUR	T.TAX /HOUR	FRINGE HOUR	TOTAL /HOUR
N	2	02460C	Con. Equipment Operator (A)	23.12	20.81	7.00	27.81
N	2	02470C	Con. Equipment Operator (B)	22.94	20.65	7.00	27.65
N	2	02480C	Con. Equipment Operator (C)	22.82	20.54	7.00	27.54
N	2	02490C	Con. Equipment Operator (D)	19.88	17.89	7.00	24.89
N	2	02500C	Con. Equipment Operator (E)	19.78	17.80	7.00	24.80
N	2	02540C	Con. Equip. Operator-Oiler	18.57	16.71	7.00	23.71
N	2	02550C	Con. Equip. Oiler -Truck Crane	18.67	16.80	7.00	23.80

Section 7. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective January 1, 2000, contingent upon the City General revenue for the year 2000 exceeding the General Fund revenue for 1999 by more than 3%.

International Union of Operating Engineers, Local 49 (CEQ)
Effective January 1, 2000 (Schedule B-1 See contingency above).

FLSA	OTC	CODE	CLASSIFICATION	1st Six P Months	1st STEP	2nd STEP	3rd STEP
N	2	01170C	Auto Body Repair Worker-Painter	H 15.48	18.21	18.84	19.48
N	2	01180C	Automotive Mechanic	H	19.63		
The hourly rate of \$19.63 includes a \$.15 wage replacement in lieu of a Tool Allowance.							
N	2	01340C	Blacksmith	H 15.48	18.21	18.84	19.48
N	2	02560C	Construction Equipment Oiler	H 14.02	16.48	17.01	17.55
N	2	02520C	Construction Equipment Operator/Oiler	H	19.51		
N	2	04520C	Foreman, Auto Mechanic	H	20.52	21.16	22.11
N	2	04820C	Foreman, Paving Products Plant	H	20.52	21.16	22.11
N	2	07060C	Mechanic Helper	H 14.09	16.60	17.19	17.80
N	2	07920C	Plant Operator, Paving Products	H	18.21	18.84	19.48
N	2	07930C	Plant Repair Worker	H	18.21	18.84	19.48
N	2	10960C	Welder (working in shop)	H 14.78	18.21	18.84	19.48
N	2	10980C	Welder Mechanic Public Works	H 14.92	17.65	18.28	18.92
N	2	2620C	Construction Equipment Operator/Oiler Apprentice				
			0-1000 hours	H	10.99		
			1001-2000 hours	H	12.83		
			2001-3000 hours	H	14.66		
			3001-4000 hours	H	16.49		

Provided that current City employees participation in the Construction Equipment Operator/Oiler Apprenticeship program shall receive the wage afforded their previous position, or the top step Construction Equipment Operator/Oiler rate, whichever is lesser, until such time as the apprenticeship wage exceeds their previous rate or until they complete the program.

Provided that new employees hired into classifications with six-month rates shall remain in the six-month rate until they have 1044 hours of actual work according to present policies governing probationary periods and incremental increases, subject to a maximum of 80 hours per pay period.

Provided that Automotive Mechanics assigned and working on an "outside truck" shall be paid a premium of fifty-one cents (\$.51) per hour. This premium shall be limited in its application to a total cost to the city of up to four (4) full time equivalents.

Provided that when Construction Equipment Operator/Oilers are assigned to work performed in an underground tunnel, they shall be paid a premium of thirty-one cents (\$.31) per hour.

Provided that when employees are assigned to work in a Hazwoper area (OSHA defined), they shall receive a Hazwoper premium based on OSHA limits:

Level I - \$.31

Level II - \$.51

Level III - \$.77

Provided that one dollar and four cents (\$1.04) per hour shall be added to the Construction Equipment Operator/Oiler base rate of pay when assigned to "A" rated machines [Stationary Concrete Plant (Over 34 E); Power Dredge; Concrete Paver; Power Shovel; Dragline; Clamshell; Motor Grader (except winter maintenance); Asphalt roller (over 6 tons); Slip-Form Curb Machine; Loader (4 1/2 yards & above); Bituminous Spreader & Finisher.]

Provided that when Construction Equipment Operator/Oilers are assigned to work on a Crawler Hoe, they shall be paid a premium of \$1.55 per hour for all hours on the equipment.

Provided that when Construction Equipment Operator/Oilers are assigned on work on a Cable Crane or Boom Truck, they shall be paid a premium of \$2.06 per hour for all hours on the equipment.

Provided that when employees are assigned to work the night or weekend shift, they shall be paid a night/weekend shift differential of \$.92 per hour.

Provided that employees shall receive the following longevity:

These payments shall be based on a maximum of 80 hours biweekly:

15 cents per hour additional at the beginning of the 10th year of service

23 cents per hour additional at the beginning of the 15th year of service

34 cents per hour additional at the beginning of the 20th year of service

50 cents per hour additional at the beginning of the 25th year of service

Section 8. That the following classifications in Section 20.10.01 of the aboveentitled ordinance be amended to make the following changes effective April 12, 2000.

International Union of Operating Engineers, Local 49 (CEQ)
Effective April 12, 2000 (Schedule A)

FLSA	OTC CODE	CLASSIFICATION	P	1st Six Months	1st STEP	2nd STEP	3rd STEP
N	2	01170C	Auto Body Repair Worker-Painter	H	15.79	18.58	19.21
N	2	01180C	Automotive Mechanic	H		20.02	19.87
The hourly rate of \$20.02 includes a \$.15 wage replacement in lieu of a Tool Allowance.							
N	2	01340C	Blacksmith	H	15.79	18.58	19.21
N	2	02560C	Construction Equipment Oiler	H	14.30	16.81	17.35
N	2	02520C	Construction Equipment Operator/Oiler	H		19.90	17.90
N	2	04520C	Foreman, Auto Mechanic	H		20.92	21.58
N	2	04820C	Foreman, Paving Products Plant	H		20.92	22.55
N	2	07060C	Mechanic Helper	H	14.37	16.93	17.53
N	2	07920C	Plant Operator, Paving Products	H		18.58	19.21
N	2	07930C	Plant Repair Worker	H		18.58	19.21
N	2	10960C	Welder (working in shop)	H	15.08	18.58	19.21
N	2	10980C	Welder Mechanic Public Works	H	15.22	18.01	18.64
N	2	2620C	Construction Equipment Operator/Oiler Apprentice				
		0-1000 hours	H		11.21		
		1001-2000 hours	H		13.08		
		2001-3000 hours	H		14.95		
		3001-4000 hours	H		16.82		

Provided that current City employees participation in the Construction Equipment Operator/Oiler Apprenticeship program shall receive the wage afforded their previous position, or the top step Construction Equipment Operator/Oiler rate, whichever is lesser, until such time as the apprenticeship wage exceeds their previous rate or until they complete the program.

Provided that new employees hired into classifications with six-month rates shall remain in the six-month rate until they have 1044 hours of actual work according to present policies governing probationary periods and incremental increases, subject to a maximum of 80 hours per pay period.

Provided that Automotive Mechanics assigned and working on an "outside truck" shall be paid a premium of fifty-two cents (\$.52) per hour. This premium shall be limited in its application to a total cost to the city of up to four (4) full time equivalents.

Provided that when Construction Equipment Operator/Oilers are assigned to work performed in an underground tunnel, they shall be paid a premium of thirty-two cents (\$.32) per hour.

Provided that when employees are assigned to work in a Hazwoper area (OSHA defined), they shall receive a Hazwoper premium based on OSHA limits:

Level I - \$.32
 Level II - \$.52
 Level III - \$.79

Provided that one dollar and seven cents (\$1.07) per hour shall be added to the Construction Equipment Operator/Oiler base rate of pay when assigned to "A" rated machines [Stationary Concrete Plant (Over 34 E); Power Dredge; Concrete Paver; Power Shovel; Dragline; Clamshell; Motor Grader (except winter maintenance); Asphalt roller (over 6 tons); Slip-Form Curb Machine; Loader (4 1/2 yards & above); Bituminous Spreader & Finisher.]

Provided that when Construction Equipment Operator/Oilers are assigned to work on a Crawler Hoe, they shall be paid a premium of \$1.59 per hour for all hours on the equipment.

Provided that when Construction Equipment Operator/Oilers are assigned on work on a Cable Crane or Boom Truck, they shall be paid a premium of \$2.11 per hour for all hours on the equipment.

Provided that when employees are assigned to work the night or weekend shift, they shall be paid a night/weekend shift differential of \$.94 per hour.

Provided that employees shall receive the following longevity:
 These payments shall be based on a maximum of 80 hours biweekly:

15 cents per hour additional at the beginning of the 10th year of service
 24 cents per hour additional at the beginning of the 15th year of service
 35 cents per hour additional at the beginning of the 20th year of service
 51 cents per hour additional at the beginning of the 25th year of service

Section 9. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective April 12, 2000, contingent upon the City General revenue for the year 2000 exceeding the General Fund revenue for 1999 by more than 3%.

International Union of Operating Engineers, Local 49 (CEQ)
 Effective April 12, 2000 (Schedule B-2 See contingency above).

FLSA	OTC	CODE	CLASSIFICATION	P	1st Six Months	1st STEP	2nd STEP	3rd STEP
N	2	01170C	Auto Body Repair Worker-Painter	H	15.87	18.67	19.31	19.97
N	2	01180C	Automotive Mechanic	H		20.13		

The hourly rate of \$20.13 includes a \$.15 wage replacement in lieu of a Tool Allowance.

N	2	01340C	Blacksmith	H	15.87	18.67	19.31	19.97
N	2	02560C	Construction Equipment Oiler	H	14.37	16.89	17.44	17.99
N	2	02520C	Construction Equipment Operator/Oiler	H		20.00		
N	2	04520C	Foreman, Auto Mechanic	H		21.03	21.69	22.66
N	2	04820C	Foreman, Paving Products Plant	H		21.03	21.69	22.66
N	2	07060C	Mechanic Helper	H	14.44	17.01	17.62	18.25
N	2	07920C	Plant Operator, Paving Products	H		18.67	19.31	19.97
N	2	07930C	Plant Repair Worker	H		18.67	19.31	19.97
N	2	10960C	Welder (working in shop)	H	15.15	18.67	19.31	19.97
N	2	10980C	Welder Mechanic Public Works	H	15.29	18.10	18.73	19.39
N	2	2620C	Construction Equipment Operator/Oiler Apprentice					
			0-1000 hours	H		11.27		
			1001-2000 hours	H		13.15		
			2001-3000 hours	H		15.02		
			3001-4000 hours	H		16.91		

Provided that current City employees participation in the Construction Equipment Operator/Oiler Apprenticeship program shall receive the wage afforded their previous position, or the top step Construction Equipment Operator/Oiler rate, whichever is lesser, until such time as the apprenticeship wage exceeds their previous rate or until they complete the program.

Provided that new employees hired into classifications with six-month rates shall remain in the six-month rate until they have 1044 hours of actual work according to present policies governing probationary periods and incremental increases, subject to a maximum of 80 hours per pay period.

Provided that Automotive Mechanics assigned and working on an "outside truck" shall be paid a premium of fifty-two cents (\$.52) per hour. This premium shall be limited in its application to a total cost to the city of up to four (4) full time equivalents.

Provided that when Construction Equipment Operator/Oilers are assigned to work performed in an underground tunnel, they shall be paid a premium of thirty-two cents (\$.32) per hour.

Provided that when employees are assigned to work in a Hazwoper area (OSHA defined), they shall receive a Hazwoper premium based on OSHA limits:

Level I - \$0.32
 Level II - \$0.52
 Level III - \$0.79

Provided that one dollar and seven cents (\$1.07) per hour shall be added to the Construction Equipment Operator/Oiler base rate of pay when assigned to "A" rated machines [Stationary Concrete Plant (Over 34 E); Power Dredge; Concrete Paver; Power Shovel; Dragline; Clamshell; Motor Grader (except winter maintenance); Asphalt roller (over 6 tons); Slip-Form Curb Machine; Loader (4 1/2 yards & above); Bituminous Spreader & Finisher.]

Provided that when Construction Equipment Operator/Oilers are assigned to work on a Crawler Hoe, they shall be paid a premium of \$1.59 per hour for all hours on the equipment.

Provided that when Construction Equipment Operator/Oilers are assigned on work on a Cable Crane or Boom Truck, they shall be paid a premium of \$2.11 per hour for all hours on the equipment.

Provided that when employees are assigned to work the night or weekend shift, they shall be paid a night/weekend shift differential of \$.94 per hour.

Provided that employees shall receive the following longevity:
 These payments shall be based on a maximum of 80 hours biweekly:

15 cents per hour additional at the beginning of the 10th year of service
 24 cents per hour additional at the beginning of the 15th year of service
 35 cents per hour additional at the beginning of the 20th year of service
 51 cents per hour additional at the beginning of the 25th year of service

Section 10. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective May 1, 2000:

International Union of Operating Engineers, Local 49 (CEQ)
 Effective May 1, 2000

Permit rates of pay for maintenance and capital funded projects:

FLSA	OTC	CODE	CLASSIFICATION	RATE /HOUR	T.TAX /HOUR	FRINGE HOUR	TOTAL /HOUR
N	2	02460C	Con. Equipment Operator (A)	23.82	21.44	7.15	28.59
N	2	02470C	Con. Equipment Operator (B)	23.64	21.28	7.15	28.43
N	2	02480C	Con. Equipment Operator (C)	23.52	21.17	7.15	28.32
N	2	02490C	Con. Equipment Operator (D)	20.58	18.52	7.15	25.67
N	2	02500C	Con. Equipment Operator (E)	20.48	18.43	7.15	25.58

N	2	02540C	Con. Equip. Operator-Oiler	19.27	17.34	7.15	24.49
N	2	02550C	Con. Equip. Oiler -Truck Crane	19.37	17.43	7.15	24.58

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998. J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends passage of the accompanying amendment to the Salary Ordinance, setting the salary for the position of Office Support Specialist III – Confidential, based on studies conducted by the Department of Human Resources.
Your Committee further recommends summary publication of the above-described Ordinance.
Adopted. Yeas, 13; Nays none.
Passed November 13, 1998.
Approved November 18, 1998. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

Ordinance 98-Or-139, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, setting the salary for the position of Office Support Specialist III – Confidential, based on studies conducted by the Department of Human Resources, was passed November 13, 1998, by the City Council and approved November 18, 1998, by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 98-Or-139
By Campbell

1st & 2nd Readings 11/13/98

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

Non-Represented (CNR)

Effective: September 1, 1998

FLSA	OTC	CLASSIFICATION	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
N	3	Office Support Specialist III - Confidential	1110	1165	1224	1284	1349	1417	1487

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

Non-Represented (CNR)
Effective: January 1, 1999

FLSA	OTC	CLASSIFICATION	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
N	3	Office Support Specialist III - Confidential	1138	1194	1255	1316	1383	1452	1524

Section 3: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

Non-Represented (CNR)
Effective: January 1, 2000
Schedule a:

FLSA	OTC	CLASSIFICATION	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
N	3	Office Support Specialist III – Confidential	1149	1209	1273	1340	1410	1484	1562

Schedule b*:

FLSA	OTC	CLASSIFICATION	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
N	3	Office Support Specialist III – Confidential	1154	1215	1279	1346	1417	1492	1570

*Schedule (b), above, shall be in effect should the City's General Fund revenue increase more than 3% for the year 2000 over the 1999 General Fund revenue.

Adopted. Yeas, 13; Nays none.
Passed November 13, 1998. J. Cherryhomes, President of Council.
Approved November 18, 1998. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P – Your Committee, having under consideration the Minneapolis Special School District No 1 applications to rezone the block bounded by E Lake St, E 31st St, 21st Av S and 22nd Av S from the R2B, R6 and B3S-1 Districts to the B1-1 District (P-1041) and to vacate the alley in said block (Vac #1251) to permit an Urban Sports Center and YWCA Community Center in said block, now concurs in the recommendation of the Planning Commission, as follows:

- approval of said rezoning application and passage of the accompanying amendment to the Zoning Ordinance (63870);
- approval of said alley vacation application on condition that the easement requested by MNDOT be granted, and passage of the accompanying resolution; and
- adoption of the related findings set forth in the revised Planning Department staff report in Petn No 264309.

Your Committee further recommends summary publication of the above-described ordinance and resolution.

McDonald moved that the above report be divided and that the subject matter relating to the alley vacation be voted upon separately. Seconded.

Adopted upon a voice vote.

McDonald moved that the separated portion relating to the alley vacation be postponed. Seconded.

Adopted upon a voice vote.

McDonald moved that the balance of the report be adopted. Seconded.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-140, amending Title 20, Chapter 540 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the block bounded by E Lake St, E 31st St, 21st Av S and 22nd Av S from the R2B, R6 and B3S-1 districts to the B1-1 district was passed November 13, 1998 by the City Council and approved November 18, 1998 by the Mayor. The full text of the ordinance is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 98-Or-140
By McDonald

1st & 2nd Readings: 11/13/98

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 1-11 inclusive, Block 1, and the vacated alley accruing, "LAKE

STREET BOULEVARD ADDITION TO MINNEAPOLIS". Also, Lots 1 through 5 inclusive and the north 31.4 feet of Lot 6, Block 1, and all of Block 3, and the vacated alley accruing, "GRISWOLD'S 2nd ADDITION TO MINNEAPOLIS". Also, That part of the NE 1/4 of the NW 1/4 of Section 1, T, 28, R. 24 described as follows: The South 92 feet of the North 132 feet of the East 158.99 feet of the West 198.99 feet of said NE 1/4. Also, Commencing at a point in the center line of 21st Ave. South at a point therein measured along said center line 92 feet South of the South line of Lake Street as said Lake Street and Ave. are now laid out; thence South along said center line of said 21st Ave. South 50 feet; thence East parallel with the South line of said Lake Street 198.99 feet; thence North parallel with the center line of said 21st Ave. South 50 feet; thence West parallel with the South line of said Lake Street 198.99 feet to the point of beginning. Also, Commencing in the center line of 21st Ave. South and at a point therein measured along said center line 142 feet South of the South line of Lake Street in the City of Minneapolis, as said Lake Street and Ave. are now laid out and located; thence running South along the center line of said 21st Ave. South, a distance of 28 feet; thence at right angles East on a line parallel with the South line of Lake Street 198.99 feet; thence at right angles North 28 feet; thence at right angles West to the place of beginning (Block bounded by E. Lake St., E. 31st St., 21st Ave. S. & 22nd Ave. S. - Plate 27) to the B1-1 District.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, to whom was referred an ordinance amending Title 20, Chapter 540 of the Minneapolis Code of Ordinances relating to Zoning Code: Business Districts, allowing plumbing contractor offices as a conditional use in the B2S district, now recommends that the related findings set forth in Petn No 264309 be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.
Approved November 18, 1998. S. Sayles
Belton, Mayor.
Attest: M. Keefe, City Clerk.

ORDINANCE 98-Or-141
By Johnson

Intro & 1st Reading: 10/2/98
Ref to: Z&P
2nd Reading: 11/13/98

**Amending Title 20, Chapter 540 of the
Minneapolis Code of Ordinances relating to
Zoning Code: Business Districts.**

The City Council of The City of Minneapolis
do ordain as follows:

Section 1. That Section 540.1070 of the
above-entitled ordinance be amended by
adding a new subdivision (11) to read as
follows:

540.1070. Conditional uses. Any use
allowed as a conditional use in the B2 Districts
shall be allowed in the B2S Districts (unless
permitted in section 540.1060) subject to the
provisions of Chapter 525, and in addition the
following:

(11) Plumbing offices with storage
buildings subject to the following conditions:

a. No manufacturing, assembly or
wholesaling of goods or products shall be
allowed.

b. All storage of equipment, materials
and supplies shall be entirely within enclosed
building.

c. The lot on which the proposed use is
to be located is over five thousand (5,000)
square feet in size.

d. Hours of operation shall not be
earlier than 7:00 a.m. and not later than
6:00 p.m.

e. The site shall be located on a
commercially zoned intersection of at least four
hundred (400) linear feet.

f. No overnight outside parking of
company vehicles allowed on site.

g. Business access to the alley is
prohibited where the alley is adjacent to
residential uses.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.
J. Cherryhomes, President of Council.
Approved November 18, 1998. S. Sayles
Belton, Mayor.
Attest: M. Keefe, City Clerk.

The **COMMITTEE OF THE WHOLE**
submitted the following report:

Comm of the Whole – Your Committee
rises and reports that it has had under
consideration the Nicollet Mall improvement,
maintenance and operation assessments
payable in 1999 and all written and oral
objections and statements regarding the
assessments and having held a public hearing
on November 13, 1998 in accordance with the
provisions of Minnesota Statutes, Section
430.102, now recommends that the proposed
assessments be revised to reflect that the
assessment rate for residential property not be
increased above the 35% rate and the revised
assessments be adopted and levied, that the
assessment roll filed by the City Engineer with
the City Clerk (Petr No 264310) be revised and
be adopted and that the City Clerk be directed
to transmit a certified copy of said assessment
roll to the Hennepin County Auditor.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

MOTIONS

Campbell, Chair of the Ways & Means/
Budget Committee, moved that the regular
payrolls for all City employees under City
Council jurisdiction for the month of December
1998 be approved and ordered paid subject to
audit by the Finance Officer. Seconded.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

Approved November 18, 1998. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Biernat moved to introduce the subject
matter of an Ordinance amending Title 21 of
the Minneapolis Code of Ordinances relating to
Interim Ordinances, which was given its first
reading and referred to the Zoning & Planning
Committee (Prohibiting the establishment,
re-establishment or expansion of off-premise
advertising signs and billboards in the City).

Campbell moved to introduce the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, which was given its first reading and referred to the Zoning & Planning Committee (Initiating an interim ordinance prohibiting the establishment, re-establishment or expansion of any manufacturing or business use located within one mile of the proposed light rail transit stations, as found in the map petitioned and on file in the office of the City Clerk.

RESOLUTION

Cherryhomes, Ostrow, Campbell, Biernat, Johnson, Niland, Goodman, Herron, Thurber, Mead, Colvin Roy and Minn offered the following Resolution:

RESOLUTION 98R-448

Congratulating William Nordrum.

Whereas, on November 20, 1998, William Nordrum completes his 36th year of service in the Minneapolis Zoning Office and his 38th year of service with the City of Minneapolis; and

Whereas, William Nordrum began his service to the City of Minneapolis in his youth as a peanut vendor at Minnehaha Park; and

Whereas, William Nordrum headed the Minneapolis Zoning Office for much of the past 38 years; and

Whereas, William Nordrum has provided reliable staff assistance to the Board of Adjustment from its inception in 1970 to the present; and

Whereas, William Nordrum has established a reputation for the accurate and timely reporting of information to the Minneapolis City Council, the City Planning Commission, and the customers of the Minneapolis Zoning Office; and

Whereas, William Nordrum in the discharge of his duties has demonstrated the highest professionalism and the utmost graciousness to all whom he has served;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City congratulates William Nordrum, his wife Diana, and their three daughters on the conclusion of his long and distinguished service to the City of Minneapolis and wishes him well in his retirement.

Adopted. Yeas, 13; Nays none.

Passed November 13, 1998.

J. Cherryhomes, President of Council.

Approved November 18, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

UNFINISHED BUSINESS

Rental Dwelling License at 1035 17th Av SE: Concur with recommendation of Rental Dwelling License Board of Appeals to revoke license held by Erik Johnson. (Postponed 10/16/98, PS&RS)

Biernat moved to continue postponement. Seconded.

Adopted upon a voice vote.

Septan Inc, 3948 Nicollet Av: Deny appeal for nonconforming use certificate to allow gas station and repair garage, grant appeal for variance. (Postponed 10/30/98, Z&P)

McDonald moved to continue postponement. Seconded.

Adopted upon a voice vote.

NEW BUSINESS

Biernat offered an Ordinance amending Title 11, Chapter 214 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Department of Health and Family Support*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Adding Sections relating to department organization and community health service administrator).

Cherryhomes adjourned the meeting to an adjourned session to be held in Room 315 immediately following the Minneapolis Community Development Agency Board of Commissioners meeting, for the purpose of consideration of labor negotiations.

Merry Keefe,
City Clerk.
98-9990